

United States Court of Appeals
For the Eighth Circuit

No. 18-3037

Valerie LeMaster

Plaintiff - Appellant

v.

Ditech Financial LLC, formerly known as Green Tree Servicing LLC; Federal
National Mortgage Association; Consumer Financial Protection Bureau

Defendants - Appellees

Appeal from United States District Court
for the District of Minnesota

Submitted: September 25, 2019
Filed: November 1, 2019
[Unpublished]

Before LOKEN, GRUENDER, and KOBES, Circuit Judges.

PER CURIAM.

Valerie LeMaster appeals the district court's¹ dismissal of her action against the Consumer Financial Protection Bureau (CFPB), the Federal National Mortgage Association (Fannie Mae), and Ditech Financial, LLC (Ditech). After receiving notice of Ditech's commencement of bankruptcy proceedings, this court stayed the appeal except as to LeMaster's claim against the CFPB seeking to enforce the terms of a consent order.

After careful review, we note that the CFPB preserved consumers' ability to pursue a private cause of action. We thus conclude the district court did not err in applying the principle in *Pure Country, Inc. v. Sigma Chi Fraternity*, 312 F.3d 952, 958 (8th Cir. 2002), to the facts of this case. Further, we find no merit to LeMaster's argument that the district court abused its discretion in dismissing the CFPB without allowing her to conduct requested discovery. *See Lakin v. Prudential Sec., Inc.*, 348 F.3d 704, 713 (8th Cir. 2003) (standard of review). We affirm the dismissal only as to the CFPB. *See* 8th Cir. R. 47B. The appeal remains stayed as to Fannie Mae and Ditech.

¹The Honorable John R. Tunheim, Chief Judge, United States District Court for the District of Minnesota, adopting the report and recommendations of the Honorable David T. Schultz, United States Magistrate Judge for the District of Minnesota.