

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

APRIL L. WILLIAMS

PLAINTIFF

v

3:09CV00180-WRW

RECONTRUST COMPANY, N.A., et al.

DEFENDANTS

ORDER

Pending is Defendants' Motion to Dismiss or for a More Definite Statement (Doc. No. 22).

Plaintiff has responded and Defendants have replied.¹

After reading Plaintiff's Complaint several times, I am not sure of the factual and legal claims in this case. Plaintiff's vague response to the motion to dismiss failed to provide significant help. At this point, all I can tell is that a foreclosure proceeding was commenced in state court, it was stayed, and now Plaintiff is pursuing a remedy in federal court.

Accordingly, Defendants' Motion to Dismiss or for a More Definite Statement (Doc. No. 22) is GRANTED in PART and DENIED in PART. The case is not dismissed but Plaintiff is directed to supply a more definite statement in an amended complaint. Plaintiff is directed to amend her complaint to make the underlying facts and asserted claims more readily apparent. Additionally, the fraud claims require much more specificity. Finally, it appears to me that Counts IV (alleging that certain Defendants lack standing), Count V (injunctive relief to stop the foreclosure sale), and Count VI (declaratory judgment) should all be removed since they relate to the ongoing state court case -- which would make them barred by the *Rooker-Feldman* doctrine. However, a definitive ruling on these issues is reserved until Plaintiff files her amended, much more specific, and clearer substituted and amended complaint. The substituted and amended complaint must be filed by 5 p.m., Wednesday, January 27, 2010.

IT IS SO ORDERED this 13th day of January, 2010.

/s/ Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

¹Doc. Nos. 34, 35.