

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

**CHANDRA LYONS CORTEZ,
CORNELIO CORTEZ**

PLAINTIFFS

V.

4:09CV00057 JMM

**S N SERVICING,
SHAPRIO & KIRSCH LAW FIRM**

DEFENDANTS

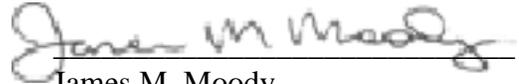
ORDER

Pending before this Court is the Plaintiffs' Motion to Proceed *In Forma Pauperis* and Motion for Appointment of Counsel. Plaintiffs have complied with the Court's request to amend their Complaint. However, Plaintiffs have failed to set forth any basis for the Court's jurisdiction over the case.

From the Amended Complaint it appears that Plaintiff Cornelio Cortez took out a mortgage for property located in Fort Smith, Arkansas. Mr. Cortez was deported from the United States. Mrs. Cortez became ill during this time and was unable to make the mortgage payments. It appears that there was a bankruptcy petition involved also. Plaintiffs state that "I protesting the decision & motion's made in bankruptcy court to United States Court cause discrimination of the loan my husband took in 2006 & not give me rights as his wife to correct loan of him which have no knowledge cause he out state. I requesting for United States Court to make sure a document file I protesting they motion . . ." (Amended Complaint, at p. 2). These allegations do not set forth a cognizable claim. Further, any complaint that the Plaintiffs might have regarding the land located in Fort Smith, Arkansas should be directed to the United States District Court for the Western District of Arkansas or the United States Bankruptcy Court for the Western District of Arkansas.

Accordingly, Plaintiffs' Motions (Docket # 1 and # 3) are DENIED. Plaintiffs' Complaint is DISMISSED without prejudice because it fails to state a claim.

IT IS SO ORDERED this 5th day of March 2009.

A handwritten signature in cursive script, appearing to read "James M. Moody", written in black ink over a horizontal line.

James M. Moody
United States District Judge