

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

**HARVEY BEECH**

**PLAINTIFF**

**VS.**

**4:09CV00826-WRW**

**FIRST FRANKLIN CORP.,  
SELECT PORTFOLIO SERVICES,  
SHAPIRO and KIRSH, LLP,  
WELLS FARGO, NA, and  
D. DENISE GRIFFIN**

**DEFENDANTS**

**ORDER**

Pending is a Motion to Dismiss by Defendant Select Portfolio Servicing, Inc. (“SPS”) (Doc. No. 4). Plaintiff has responded,<sup>1</sup> and SPS has replied.<sup>2</sup>

On its face, Plaintiff’s Complaint alleges violations of the Fair Debt Collection Practices Act<sup>3</sup> and the Truth in Lending Act.<sup>4</sup> However, the Complaint does not make clear what violations, by which Defendants, are alleged to have occurred. Plaintiff is directed to amend his Complaint and file it by January, 13, 2010, at 5 p.m. The Amended Complaint should satisfy the Federal Rules of Civil Procedure, and be properly served on all parties in accordance with the Federal Rules of Civil Procedure, or it may be dismissed.

Accordingly, SPS’s Motion to Dismiss (Doc. No. 4) is DENIED without prejudice.

IT IS SO ORDERED this 15th day of December, 2009.

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

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<sup>1</sup>Doc. No. 11.

<sup>2</sup>Doc. No. 12.

<sup>3</sup>15 U.S.C. § 1692, *et seq.*

<sup>4</sup>12 C.F.R. § 226