

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

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Case No.	2:16-cv-04870-CAS(JCx)	Date	May 8, 2017
Title	KEVIN A. FULTON v. BANK OF AMERICA N.A. ET AL.		

Present: The Honorable CHRISTINA A. SNYDER

Catherine Jeang

Not Present

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) - DEFENDANT BANK OF AMERICA, N.A.’S MOTION TO DISMISS (Dkt. 27, filed February 14, 2017)

The Court finds this motion appropriate for decision without oral argument. See Fed. R. Civ. P. 78; C.D. Cal. Local Rule 7-15. Accordingly, the hearing date of May 15, 2017 is vacated, and the matter is hereby taken under submission.

On July 7, 2016 plaintiff Kevin A. Fulton, proceeding *pro se*, filed the instant action against defendants Bank of America, N.A. (“BANA”), as successor in interest to America’s Wholesale Lender, and Does 1–10 inclusive. Dkt. 1 (“Compl.”). Plaintiff raises four claims: (1) declaratory relief, seeking a declaration that BANA and its successors and/or assigns do not have any rights or interest in plaintiff’s Note or Deed of Trust, or the property which authorized them to enforce the terms of the Note and Deed of Trust; (2) the cancellation of the Deed of Trust, which plaintiff alleges is void for fraud in the execution; (3) failure to comply with plaintiff’s notice to rescind in violation of 15 U.S.C. § 1601 et seq.; and (4) quiet title relating to violations of the Truth in Lending Act. Id.¹

On August 11, 2016, plaintiff requested an entry of default against BANA. Dkt. 10. On July 18, 2016, the Clerk entered a default pursuant to Federal Rule of Civil Procedure 55(a). Dkt. 13. On August 25, 2016, plaintiff filed a motion for default judgment against BANA. Dkt. 14.

On December 6, 2016, the Court denied plaintiff’s motion for a default judgment because plaintiff “failed to establish the merits of any alleged claim as would be required

¹ The parties are familiar with plaintiff’s allegations, which are set forth in greater detail in the Court’s prior order dated December 6, 2016. See dkt. 22.

