

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

|                                |   |                                     |
|--------------------------------|---|-------------------------------------|
| <b>Patrice Rhodes,</b>         | : |                                     |
|                                | : |                                     |
| <b>Plaintiff,</b>              | : |                                     |
| <b>v.</b>                      | : | <b>Civil Action No. 16-0767-CKK</b> |
|                                | : |                                     |
| <b>Wells Fargo Bank, N.A.,</b> | : |                                     |
|                                | : |                                     |
| <b>Defendant.</b>              | : |                                     |

**MEMORANDUM OPINION**

Plaintiff filed this action to obtain her alleged portion of the settlement reached in *United States of America v. Wells Fargo Bank*, No. 12-cv-01150 (JDB) (D.D.C. Sept. 21, 2012). *See* Compl. [Dkt. # 1]. Pending before the Court is Defendant’s Motion to Dismiss pursuant to subsections 1, 3, 5 and 6 of Federal Rule of Civil Procedure 12(b) [Dkt. # 9]. Plaintiff has not complied with the Court’s Order [Dkt. # 14] by responding to defendant’s motion by December 30, 2016, and she has not requested additional time to respond. Consistent with the advisements in the August 31, 2016 Order [Dkt. # 11], the Court finds that plaintiff has conceded defendant’s argument that she “is not entitled to enforce the Consent Order entered into by the United States and Wells Fargo because she was not a party to that action.” Def.’s Mot. at 8. Therefore, defendant’s motion will be granted and this case will be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted. A separate Order accompanies this Memorandum Opinion.

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s/s  
COLLEEN KOLLAR-KOTELLY  
United States District Judge

Dated: January 13, 2017