

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
Miami Division

**Case Number: 14-21577-CIV-MORENO**

EDWARD SANTANA,

Plaintiff,

vs.

GREEN DOT BANK,

Defendant.

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**ORDER GRANTING DEFENDANT'S MOTION TO DISMISS**

THIS CAUSE came before the Court upon a review of Defendant Green Dot Bank's Motion to Dismiss Plaintiff's Complaint (**D.E. No. 4**), filed on **May 5, 2014**.


When a challenge to a complaint is brought pursuant to Rule 12(b)(6), a court accepts as true all factual allegations contained in the complaint and reads it alongside Federal Rule of Civil Procedure 8(a)(2), which requires a "short and plain statement of the claim showing that the pleader is entitled to relief." A complaint does not need detailed factual allegations, but a plaintiff is still obligated to provide the factual "grounds" for his entitlement to relief, and a conclusory or "formulaic recitation of the elements of a cause of action will not do." *Bell Atlantic Corp*, 550 U.S. at 555. "[O]nly a complaint that states a plausible claim for relief survives a motion to dismiss." *Ashcroft*, 556 U.S. at 679.

Here, Plaintiff has brought a "complaint" seeking money damages against Green Dot Bank based upon breach of contract, negligence, and Green Dot's purported violation of the Electronic Funds Transfer Act. In the Statement of Claim that serves as the complaint in this

action, Plaintiff seeks damages in the amount of \$5,000, but otherwise provides no facts that would give rise to any of the three alleged causes of action.

Pursuant to *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), plaintiffs are required to do more than simply name their cause of action and assert that they are entitled to damages. Because Plaintiff does not provide any factual allegations detailing any grounds for relief in his “complaint” or state any cause of action for any of his claims, this Court GRANTS the Defendant’s Motion to Dismiss without prejudice.

DONE AND ORDERED in Chambers at Miami, Florida, this 8<sup>th</sup> day of May, 2014.

  
FEDERICO A. MORENO  
UNITED STATES DISTRICT JUDGE

Copies provided to:  
Counsel of Record