

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

DANIEL DEWAYNE AIKENS #21495-035 CIVIL ACTION NO. 24-cv-575
VERSUS JUDGE EDWARDS
ROCKET MORTGAGE MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER


Daniel Dewayne Aikens (“Plaintiff”), who is self-represented, filed this civil action against Rocket Mortgage. Plaintiff alleged that the actions of Rocket mortgage in connection with a 2019 repossession of his home were in violation of 12 C.F.R. § 1024.39. Plaintiff does not allege where the home was located, the date of the foreclosure (beyond 2019) or specify how Rocket Mortgage allegedly violated the regulation.

It is questionable whether the regulation at issue provides a private cause of action to support a claim against Rocket Mortgage. Gresham v. Wells Fargo Bank, NA, 642 Fed. Appx. 355, 359 & n. 16 (5th Cir. 2016); Zaragoza v. PHH Mortgage Corporation, 2023 WL 2815879 (N.D. Tex. 2023).

A complaint fails to state a claim on which relief may be granted if it does not contain enough facts to state a claim to relief that is plausible on its face. The current complaint contains few facts. Accordingly, Plaintiff is ordered to file an amended complaint by **May 31, 2024** and attempt to set forth his best factual case in support of a violation of the regulation he cites. Plaintiff should identify the location of the repossessed home, allege the particular dates on which the foreclosure proceeding commenced and

when the home was sold, and set forth particular facts in an effort to demonstrate how Rocket Mortgage allegedly violated any requirement of 12 C.F.R. § 1024.39.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 8th day of May, 2024.



Mark L. Hornsby
U.S. Magistrate Judge