

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ALLAN BECK, et al.,)	
)	
Plaintiffs,)	
)	
v.)	2:13-cv-00090-JAW
)	
FEDERAL NATIONAL MORTGAGE)	
ASSOCIATION, et al.,)	
)	
Defendants.)	

**ORDER AFFIRMING THE RECOMMENDED DECISION
OF THE MAGISTRATE JUDGE**

On March 15, 2013, Allan and Sheri Beck, acting pro se, filed a complaint against the Federal National Mortgage Association (Fannie Mae), CitiMortgage, Inc. (CMI), and Mortgage Electronic Registration Systems, Inc.¹ (MERS). *Compl.* (ECF No. 1). On May 16, 2013, CMI moved to dismiss the Complaint. *Def. CitiMortgage, Inc.'s Mot. to Dismiss Counts I, III and IV of the Compl.* (ECF No. 14). The Plaintiffs filed their response on June 3, 2013. *Pls.' Resp. to Def. CitiMortgage Inc.'s Mot. to Dismiss Counts 1, 3 and 4* (ECF No. 18). On June 27, 2013, the Magistrate Judge filed her Recommended Decision. *Recommended Decision* (ECF No. 21).

¹ Neither Fannie Mae nor MERS has entered an appearance. The Magistrate Judge denied the Plaintiffs' motion for entry of default against Fannie Mae and MERS, *Order* (ECF No. 23), and on July 17, 2013, the Court issued an Order to Show Cause as to why the Complaint against these two Defendants should not be dismissed for failure to effect service within 120 days of the filing of the Complaint. *Order to Show Cause* (ECF No. 25). The Plaintiffs filed a response to the Order to Show Cause on July 25, 2013. *Pls.' Rep. to Order to Show Cause* (ECF No. 26). This Order does not address that issue.

On July 15, 2013, the Plaintiffs filed what they styled the “Plaintiffs’ Response to Defendant CitiMortgage Inc.’s Brief; Memorandum of Points and Authorities; Concurrent Application to Enter Defendant[]s MERS and Fannie Mae into Default”. *Pls.’ Resp. to Def. CitiMortgage Inc.’s Br. in Support of Mot. to Dismiss; Concurrent Appl. to Enter App. Defs. MERS and Fannie Mae into Default* (ECF No. 24). On July 25, 2013, Defendant CitiMortgage replied to the Plaintiffs’ Response. *Def. CitiMortgage Inc.’s Resp. to Pls.’ Supplemental Resp. to Mot. to Dismiss Counts I, III and IV of the Compl.* (ECF No. 27). Although the Plaintiffs’ July 15, 2013 response is technically not an objection under 28 U.S.C. § 636(b)(1)(C), the Court has treated the Plaintiffs’ response as an objection.

The Court has reviewed and considered the Magistrate Judge’s Recommended Decision, together with the entire record and has made a de novo determination of all matters adjudicated by the Magistrate Judge’s Recommended Decision. The Court concurs with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision and determines that no further proceeding is necessary.

The Court GRANTS Defendant CitiMortgage Inc.’s Motion to Dismiss Counts I, III and IV of Plaintiffs’ Complaint as well as any claim of fraud that might be extrapolated from the Plaintiffs’ Complaint. (ECF No. 14). Counts I, III and IV of Plaintiffs’ Complaint are hereby DISMISSED.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 26th day of July, 2013