

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JOEL SALINE

v.

CARRINGTON MORTGAGE
 SERVICES, LLC, ET AL.

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Civil No. JFM-09-868

MEMORANDUM

Defendant Carrington Mortgage Services, LLC has filed a motion for judgment on the pleadings and default judgment. Plaintiffs, who are appearing *pro se*, have not responded to the motion after being advised of the consequences if they did not do so.

Carrington Mortgage's motion is granted as to claims asserted against it because plaintiffs have failed to state any claim upon which relief can be granted. However, Carrington's motion for judgment on the pleadings and default judgment as to its counterclaim will be denied. In the counterclaim Carrington seeks to recover on the amount due under a loan made by Carrington to plaintiffs. Although as a procedural matter the counterclaim was properly asserted in this action, in light of the facts that plaintiffs are appearing *pro se* and that they have failed to state any cognizable claim against Carrington, I have concluded that the counterclaim should be dismissed without prejudice to being reasserted in an independent action filed by Carrington in state court.

A separate order effecting the rulings made in this memorandum is being entered herewith.

DATE: July 30, 2009

/s/

J. Frederick Motz
 United States District Judge