

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**TERRY ENGLISH**

**Plaintiff**

**v.**

**SUNTRUST BANK, et al.**

**Defendants**

**CIVIL NO. JKB-16-4091**

\* \* \* \* \*

**MEMORANDUM**

Now pending before the Court is the Defendants' MOTION TO DISMISS COMPLAINT FOR FAILURE TO STATE CLAIMS UPON WHICH RELIEF CAN BE GRANTED (ECF No. 10). The Plaintiff has not responded.<sup>1</sup> Defendants have also filed what it captions as a REPLY (ECF No. 15), although there is nothing on the docket to which the Defendants may reply.

The Motion to Dismiss (ECF No. 10) will be GRANTED by separate Order, for the reasons set out in the Defendants' MEMORANDUM (ECF No. 10-1) filed in support of the Motion. The Complaint is fatally deficient. The Court notes that although the Plaintiff never succeeded in docketing a response to the Motion, the Court nevertheless took the opportunity to review papers he proposed to submit in response, and has taken on board the thrust of the Plaintiff's theories in opposition to the Motion to Dismiss. Those arguments and theories are

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<sup>1</sup> The pro se Plaintiff apparently attempted to file papers with the Court approximately three weeks after the motion to dismiss was docketed. The Clerk of the Court did not docket the papers and instead alerted the undersigned to certain deficiencies in the submission which resulted in a RETURN PLEADING ORDER (ECF No. 14) entering on the docket. The deficient papers were returned to the Plaintiff. The Plaintiff never corrected his deficiencies and never docketed a response to the motion to dismiss. The Court also notes that the Plaintiff was sent a standard "Rule 12/56 Letter" (ECF No. 13) some six weeks ago, explaining the importance of the motion to dismiss and the need for the Plaintiff to respond. Again, Plaintiff has not docketed a response to the pending motion.

unpersuasive, and had they found their way into a successfully docketed response, they would not have changed the outcome here.

The pending MOTION TO QUASH (ECF No. 6) will be DENIED AS MOOT in light of the ruling on the Motion to Dismiss.

DATED this 13<sup>th</sup> day of April, 2017.

BY THE COURT:

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/s/  
James K. Bredar  
United States District Judge