

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

MICHELLE A. TURNER

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v.

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Civil No. – JFM-14-576

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JPMORGAN CHASE BANK, N.A.

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MEMORANDUM

Defendant has filed a motion to dismiss. Plaintiff has not responded to the motion after being advised of the consequences of a failure to do so. The motion will be granted.

1. Any breach of contract claim based upon the failure of defendant to accept checks tendered by plaintiff to bring her mortgage payments up to date is barred by limitations. The statute of limitations began to run in October 2010. This action was instituted more than three years later, in December 2013.
2. A borrower has no private right of action, either directly or as a third party beneficiary, under the Home Affordable Modification Program. *See Bowers v. Bank of America, N.A.*, 905 F.Supp. 2d 697, 701 (2012); *Hart v. Countrywide Home Loans, Inc.*, 735 F.Supp 2d 741, 748 (E.D. Mich. 2010).
3. Plaintiff has not alleged any facts to support any claim that defendant took any actions that would create a claim under the Fair Credit Reporting Act.

A separate order granting defendant’s motion to dismiss and dismissing this action is being entered herewith.

Date: April 23, 2014

/s/
J. Frederick Motz
United States District Judge