IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

KUKIA R. FARRISH	:	
v.	:	Civil Action No. DKC 16-1429
NAVY FEDERAL CREDIT UNION	:	

MEMORANDUM OPINION & ORDER

In an unusual sequence of events, it appears that Plaintiff's much belated response to Defendant's motion to dismiss crossed in the mail with the Court's final opinion and order. Plaintiff appears to have sent her response on October 1, 2017, six months after it was due. (ECF No. 26). This Court issued its opinion and order dismissing the case on October 5. (ECF Nos. 24; 25). The Court received the response to the motion to dismiss on October 6. In light of this sequence of events, the belated response will be treated as a motion to reconsider.

The response reiterates much of the complaint alleging that Defendant erred in deducting funds from Plaintiff's accounts and that Defendant would not fix its errors. (ECF No. 26, at 1). Plaintiff does not argue that any of Defendant's calls were telemarketing calls in violation of the Telephone Consumer Protection Act. Plaintiff does not identify any facts in the

complaint that would show a specific billing error which she timely notified Defendant about and for which, Defendant, after receiving the notification, failed to follow the proper procedure in violation of the Fair Credit Banking Act. *See Murr v. Capital One Bank (USA), N.A.*, 28 F.Supp.3d 575, 593 (E.D.Va. 2014) (internal quotation marks omitted). Plaintiff does not discuss the failure to receive billing statements which she alleged in support of her Truth in Lending Act claim. Plaintiff does not provide an explanation as to how the facts alleged constitute a violation of Electronic Funds Transfer Act. In short, Plaintiff has not filled-in any of the gaps in her complaint which led to dismissal and therefore dismissal is still proper. Accordingly, construed as a motion to reconsider, it is DENIED.

October 11, 2017

/s/
DEBORAH K. CHASANOW
United States District Judge