

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROGER L. ALLEN,

Plaintiff,

No. 15-13591

v.

District Judge Paul D. Borman
Magistrate Judge R. Steven Whalen

LITTON LOAN SERVICING and
OCWEN LOAN SERVICING,

Defendants.

_____ /

ORDER

This civil action was removed from the Wayne County Circuit Court on October 13, 2013. Plaintiff's *pro se* complaint alleges violations of the Fair Credit Reporting Act, the Fair Debt Collection Practices Act, and Michigan's foreclosure by advertisement statute. On October 20, 2015, Defendant Ocwen Loan Servicing filed a motion to dismiss [Doc. #3]. Before the Court are Plaintiff's two motions to strike the motion to dismiss [Doc. #4 and Doc. #8].

Plaintiff moves to strike the motion to dismiss under Fed.R.Civ.P. 12(f), which provides that "the court may strike from a pleading an insufficient defense...." However, a motion to strike is not a "pleading." See Fed.R.Civ.P. 7(a); *Giles v. Hartford Life and Accident Ins. Co.*, 2009 WL 3246833 (E.D. Tenn. 2009)("[T]he court notes that it cannot 'strike' a dispositive motion....A motion is not a pleading")(citing Rule 7(a)).

Therefore, Plaintiff's motions to strike [Doc. #4 and Doc. #8] are DENIED. However, in deference to Plaintiff's *pro se* status, I will consider the contents of the motions when reviewing the Defendant's motion to dismiss.¹

IT IS SO ORDERED.

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: August 29, 2016

CERTIFICATE OF SERVICE

I hereby certify on August 29, 2016 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants August 29, 2016.

s/Carolyn M. Ciesla
Case Manager for the
Honorable R. Steven Whalen

Date: August 29, 2016

¹ Plaintiff titles Doc. #8 a "Answer and Motion to Strike."