

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BLAKE BUCKNER,

Plaintiff,

Case No. 24-cv-13229

Hon. Matthew F. Leitman

v.

CENTRAL MORTGAGE FUNDING, LLC,

Defendant.

**ORDER (1) GRANTING PLAINTIFF LEAVE TO FILE A FIRST
AMENDED COMPLAINT AND (2) TERMINATING AS MOOT
DEFENDANT'S MOTION TO DISMISS (ECF No. 8)**

On December 4, 2024, Plaintiff Blake Buckner filed this putative class action for violations of the Telephone Consumer Protection Act. (*See* Compl., ECF No. 1.) Defendant Central Mortgage Funding, LLC has now filed a motion to dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Mot. to Dismiss, ECF No. 8.) One of the bases for dismissal is that Plaintiff has failed to plead sufficient facts to state viable claims under the Supreme Court's decisions in *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). (*See, e.g., id.*, PageID.54-64.)

On March 7, 2025, the Court held an on-the-record status conference. During the status conference, the Court explained that without expressing any view regarding the merits of the motion to dismiss, the Court would grant Plaintiff the

opportunity to file a First Amended Complaint in order to remedy the alleged deficiencies in his allegations identified in the motion to dismiss. Plaintiff indicated that he would be amending his Complaint. Plaintiff shall file that amended pleading by not later than **March 21, 2025**.

The Court does not anticipate allowing Plaintiff another opportunity to amend to add factual allegations that he could now include in his First Amended Complaint. Simply put, this is Plaintiff's opportunity to amend his allegations to cure the alleged deficiencies in his claims.

Accordingly, the Court will terminate without prejudice Defendant's currently-pending motion to dismiss as moot. By not later than **April 21, 2025**, Defendant may answer the Complaint and/or re-file a motion to dismiss the First Amended Complaint if it believes that such a motion is appropriate after reviewing that pleading.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: March 7, 2025

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 7, 2025, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126