

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHARLES and JODETTE ATWATER,

Plaintiffs,

Civil Action No.  
12-CV-15332

vs.

HON. MARK A. GOLDSMITH

THE BANK OF NEW YORK MELLON  
TRUSY COMPANY, N.A., et al.,

Defendants.

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**ORDER REQUIRING PLAINTIFFS TO FILE AN AMENDED COMPLAINT**

This matter is presently before the Court on the Court's own review of the complaint, which was filed on December 5, 2012. The sole purported basis for jurisdiction is federal question. Early in the complaint, Plaintiff states that the lawsuit is brought under the Real Estate Settlement Procedures Act of 1974 (RESPA), 12 U.S.C. § 2601 et seq., the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692 et seq., and the Truth in Lending Act, 15 U.S.C. § 1601 et seq. Compl. ¶ 4. However, these statutory schemes, which purportedly provide the basis for federal court jurisdiction, are not mentioned again anywhere in the ensuing 18 pages of the complaint. In particular, although the complaint contains several counts, it does not appear that any of them are brought under – or even relate to – federal law. Within seven days of today's date, Plaintiff shall file an amended complaint clarifying the exact law under which each count in the complaint is brought. Failure to comply timely with this order will result in the dismissal of the case for lack of subject matter jurisdiction. See Fed. R. Civ. P. 12(h)(3).

SO ORDERED.

Dated: December 5, 2012  
Flint, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 5, 2012.

s/Deborah J. Goltz  
DEBORAH J. GOLTZ  
Case Manager