Rupert v. U.S. Bank, N.A.

Doc. 16

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI ABERDEEN DIVISION

HENRY W. RUPERT, JR.

PLAINTIFF

V.

CIVIL ACTION NO. 1:17-CV-90-SA-DAS

U.S. BANK, N.A.

DEFENDANT

ORDER OF DISMISSAL

Henry Rupert originally filed his Complaint [2] in the Chancery Court of Lee County

Mississippi. U.S. Bank, N.A. removed the case to this Court on June 13, 2017 premising federal

jurisdiction on diversity of citizenship. Now before the Court is U.S. Bank's Motion to Dismiss

[5] the Plaintiff's complaint for failing to state a claim. Finding the pro se Plaintiff's Complaint

unclear and lacking factual information, the Court issued an Order to Show Cause [13] granting

the Plaintiff additional time to amend his pleadings and attempt to cure the deficiencies. The

Plaintiff did not respond in the time allotted.¹

As previously noted, none of the Plaintiff's pleadings contain specific, coherent, factual

allegations involving U.S. Bank, and the Court is unable to ascertain the underlying facts or the

nature of the Plaintiff's claims. For these reasons, the Court finds that dismissal is warranted under

Federal Rules of Civil Procedure 12(b)(6) for failing to state a claim upon which relief can be

granted, and 41(b) for failing to prosecute this case and failing to comply with this Court's orders.

Defendant U.S. Bank, N.A.'s Motion to Dismiss [5] is GRANTED, and this CASE is

DISMISSED with prejudice. This CASE is CLOSED.

So ORDERED on this the 9th day of March, 2018.

/s/ Sharion Aycock

UNITED STATES DISTRICT COURT JUDGE

¹ The Court's mail correspondence to the Plaintiff was returned as undeliverable.