

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

DWAYNE COMEGER and JOYCE COMEGER

PLAINTIFFS

v.

CAUSE NO. 1:16CV13-LG-RHW

**WELLS FARGO BANK, N.A., MORRIS
& ASSOCIATES, and EMILY KAYE COURTEAU**

DEFENDANTS

**MEMORANDUM OPINION AND ORDER
GRANTING MOTION TO DISMISS**

BEFORE THE COURT is the Motion to Dismiss [15] filed by defendant Wells Fargo Bank, N.A. *Pro se* plaintiffs Dwayne and Joyce Comeger allege that the defendants wrongfully foreclosed on property they owned in Carriere, Mississippi, despite notice that the property was protected by a bankruptcy stay. In this Motion, Wells Fargo contends that the bankruptcy case was filed by the Nanotek Group Irrevocable Trust, an entity that did not own the property, and therefore foreclosure of the Carriere property was not prevented by the bankruptcy stay. The plaintiffs have not responded and the deadline for doing so has passed.

The Court recently considered and granted a motion to dismiss filed by defendants Morris & Associates and Emily Kaye Courteau based on identical arguments. (*See* Mem. Op. & Order Granting Mot. to Dismiss, Apr. 19, 2016, ECF No. 13). Because the current Motion does not require the Court to consider different facts, legal arguments, or supporting documentation, the findings and conclusions of the earlier order will be incorporated herein by reference. For the reasons stated in the earlier order, the plaintiffs fail to allege facts showing a plausible claim of violation of the bankruptcy stay or wrongful foreclosure against

Wells Fargo Bank, N.A.

IT IS THEREFORE ORDERED AND ADJUDGED that the Motion to Dismiss [15] filed by Defendant Wells Fargo Bank, N.A. is **GRANTED**. Plaintiffs' claims against this defendant are **DISMISSED** pursuant to Fed. R. Civ. P. 12(b)(6).

SO ORDERED AND ADJUDGED this the 24th day of May 2016.

s\ *Louis Guirola, Jr.*

Louis Guirola, Jr.
Chief U.S. District Judge