

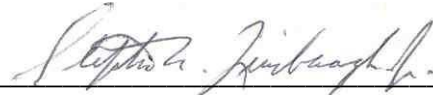
and misrepresentations have caused plaintiff to incur actual damages, attorney's fees, emotional distress, and denial of credit. Plaintiff's complaint contains two counts: Count I is for violation of the FDCPA and seeks a declaratory judgment that defendant's conduct violated the FDCPA, actual damages, release of the alleged debt, and statutory damages and costs/fees. Count II is for violation of the TCPA and seeks a declaratory judgment that defendant's conduct violated the FDCPA, actual damages, release of the alleged debt, and statutory damages and costs/fees.

Defendant has answered the complaint but seeks an order striking plaintiff's requests for declaratory judgment and the release of the debt. The FDCPA contains no express provision for injunctive or declaratory relief in private actions, and the majority of courts have held that no such relief is available under the FDCPA. *Jones v. CBE Grp., Inc.*, 215 F.R.D. 558, 563 (D. Minn. 2003) (collecting cases). Plaintiff, having filed no response in opposition to defendant's motion, does not suggest otherwise. "A prayer for relief not available under the applicable law, or which asserts a damage claim in excess of the maximum recovery permitted by law, is properly subject to a motion to strike." *Johnson v. Metro. Sewer Dist.*, 926 F. Supp. 874, 875 (E.D. Mo. 1996). The prayer for declaratory and injunctive relief, including release of the alleged debt, for the FDCPA claim will thus be stricken.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion to strike plaintiff's prayer for equitable and injunctive relief (#7) is GRANTED.

Dated this 20th day of March, 2015.



STEPHEN N. LIMBAUGH, Jr.
UNITED STATES DISTRICT JUDGE