

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

CRIS J. MARKEY,

Plaintiff,

vs.

JP MORGAN CHASE BANK, N.A., *et al.*,

Defendants.

2:13-cv-00269-PMP-PAL

**ORDER**

Before the Court for consideration is Defendant JP Morgan Chase Bank, N.A.'s fully briefed Motion to Dismiss Complaint (Doc. #8). By this motion, Defendant seeks dismissal of Plaintiff's complaint with prejudice, pursuant to Fed. R. Civ. P. 12(b)(6), for failure to state a claim upon which relief can be granted.

In *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) and *Ashcroft v. Iqbal*, 192 S. Ct. 1937 (2009), the United States Supreme Court has outlined the standard for evaluating whether Plaintiff's complaint can withstand Defendant's motion to dismiss. For the reasons set forth in Defendant's Motion and Reply memorandum the Court finds that Plaintiff has failed to allege sufficient facts to state plausible claims for relief, nor is there reason to believe he could do so or leave to amend the complaint granted.

Specifically, as argued by Defendant, Plaintiff's first ten claims are based on actions or omissions allegedly occurring at the time of the origination of the subject Loan in January 2004, and are barred by the Financial Institutions Reform, Recovery and

1 Enforcement Act of 1989, 12 U.S.C. § 1821. Further, for the additional reasons set forth in  
2 Defendant's Motion to Dismiss and Reply, each of Plaintiff's twelve claims for relief fail to  
3 allege sufficient facts to state plausible claims for relief.

4 **IT IS THEREFORE ORDERED** that Defendant JP Morgan Chase Bank,  
5 N.A.'s Motion to Dismiss Complaint (Doc. #8) is **GRANTED**, and Plaintiff's Complaint is  
6 hereby dismissed with prejudice.

7 **IT IS FURTHER ORDERED** that the Clerk of Court shall forthwith enter  
8 judgment in favor of Defendants and against Plaintiff.

9 DATED: April 15, 2013.

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12 PHILIP M. PRO  
13 United States District Judge  
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