

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 JUNE M. CANTRELL, FREDDIE )  
4 CANTRELL, JR., )  
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6 Plaintiffs, )  
7 vs. )  
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9 CAPITAL ONE, N.A., )  
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12 Defendant. )  
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Case No.: 2:15-cv-2023-GMN-GWF

ORDER

11 Pending before the Court is the Motion to Reconsider, (ECF No. 37), filed by pro se  
12 Plaintiffs June Cantrell and Freddie Cantrell. For the reasons set forth herein, the Motion will  
13 be DENIED.

14 **I. BACKGROUND**

15 This case centers upon allegations that Capital One wrongfully foreclosed upon  
16 Plaintiffs’ residence, located at 2717 Saint Clair Drive, Las Vegas, Nevada 89128 (the  
17 “Property”). See (Compl., ECF No. 1).<sup>1</sup> On October 1, 2004, Plaintiffs obtained a mortgage  
18 loan, which was secured by a Deed of Trust on the Property. (Id. ¶ 6). Plaintiffs allege that  
19 Capital One foreclosed upon the Property on May 27, 2015. (Id. ¶ 24). Plaintiffs also allege  
20 that Capital One committed numerous acts of fraud and forgery, and that the Deed of Trust was  
21 illegally transferred prior to the foreclosure sale. See generally (Compl.).  
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25 <sup>1</sup> In light of Plaintiffs’ status as pro se litigants, the Court has liberally construed their filings, holding them to standards less stringent than formal pleadings drafted by attorneys. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

1 Based on these allegations, the Complaint purported to allege the following causes of  
2 action: (1) slander of title, (2) quiet title, (3) wrongful foreclosure, (4) civil conspiracy, (5)  
3 Truth in Lending Act (“TILA”) violations, (6) predatory lending practices, (7) fraudulent  
4 appraisal, (8) breach of contract, (9) fraudulent concealment, (10) breach of the implied  
5 covenant of good faith and fair dealing, (11) breach of fiduciary duty, and (12) Fair Debt  
6 Collection Practices Act (“FDCPA”) violations. (Id.).

7 On April 26, 2016, the Court dismissed the Complaint with prejudice pursuant to the  
8 doctrine against claim splitting. (Dismissal Order, ECF No. 35). In the instant Motion,  
9 Plaintiffs argue that the dismissal was in error.

## 10 **II. LEGAL STANDARD**

11 Rule 60 of the Federal Rules of Civil Procedure provides a standard by which the Court  
12 may reconsider its orders. This rule, governing relief from a judgment or order, provides in  
13 part:

14 On motion and just terms, the court may relieve a party or its legal representative from a  
15 final judgment, order, or proceeding for the following reasons:

16 (1) mistake, inadvertence, surprise, or excusable neglect;

17 (2) newly discovered evidence that, with reasonable diligence, could not have been  
18 discovered in time to move for a new trial under Rule 59(b);

19 (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or  
20 misconduct by an opposing party;

21 (4) the judgment is void;

22 (5) the judgment has been satisfied, released or discharged; it is based on an earlier  
23 judgment that has been reversed or vacated; or applying it prospectively is no longer  
24 equitable; or

25 (6) any other reason that justifies relief.

1 Fed. R. Civ. P. 60(b). The Ninth Circuit has distilled the grounds for reconsideration into three  
2 primary categories: (1) newly discovered evidence; (2) the need to correct clear error or prevent  
3 manifest injustice; and (3) an intervening change in controlling law. School Dist. No. 1J v.  
4 ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993).

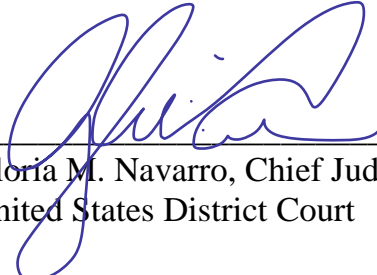
5 **III. DISCUSSION**

6 In the instant Motion, Plaintiffs argue that the Court's dismissal of the Complaint was  
7 clearly erroneous. However, instead of addressing the reasoning upon which the dismissal was  
8 based, Plaintiffs set forth generalized assertions that the Court's rulings cannot be impartial  
9 because "the little guy always loses." (Plaintiffs' Motion 6:7, ECF No. 37). Such assertions fail  
10 to present a sufficient basis for reconsideration. Accordingly, Plaintiffs' Motion will be  
11 DENIED.

12 **IV. CONCLUSION**

13 **IT IS HEREBY ORDERED** that Plaintiffs' Motion for Reconsideration, (ECF No. 37),  
14 is **DENIED**.

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16 **DATED** this 8 day of August, 2016.

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21 Gloria M. Navarro, Chief Judge  
22 United States District Court  
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