

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

FEDERAL NATIONAL MORTGAGE ASSOCIATION,

Plaintiff(s),

v.

CLARENCE MOSES WILLIS, et al.,

Defendant(s).

Case No. 2:15-CV-2366 JCM (GWF)

ORDER

Presently before the court is defendant Clarence Willis’s motion to dismiss for lack of subject matter jurisdiction. (ECF No. 216). Plaintiff Federal National Mortgage Association filed a response. (ECF No. 218).

Subject matter jurisdiction is proper under 28 U.S.C. § 1332 as complete diversity exists between plaintiff (Washington, D.C.) and defendants (Nevada) and the amount-in-controversy exceeds \$75,000.00. (See ECF No. 41). Thus, for this reason and for the reasons set forth in the court’s previous orders (ECF Nos. 114, 131, 185), defendant’s motion to dismiss (ECF No. 216) for lack of subject matter jurisdiction will be denied.

Defendant also argues that dismissal under Federal Rule of Civil Procedure 12(b)(7) is proper because plaintiff failed to join a necessary party, namely the Federal Housing Finance Agency (“FHFA”). (ECF No. 216). Defendant asserts that the legal relationship between plaintiff and the FHFA renders the FHFA an indispensable party to this action. (ECF No. 216 at 2). Defendant, however, fails to set forth any evidentiary support for his conclusory assertion. Thus, defendant’s motion to dismiss will be denied as it relates to this issue as well.

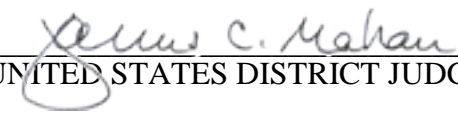
James C. Mahan
U.S. District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly,

IT IS HEREBY ORDERED that defendant's motion to dismiss (ECF No. 216) be, and the same hereby is, DENIED.

DATED June 22, 2017.


UNITED STATES DISTRICT JUDGE