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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Bobbi Thatcher,
Plaintiff

v.

Bank of America, N.A., et al.,
Defendants

Case No.: 2:18-cv-00085-APG-NJK

**Order Denying Motions to Quiet Title and
for Lis Pendens**

[ECF Nos. 3, 4]

9 Pro se plaintiff Bobbi Thatcher sues Bank of America, N.A. and the Mortgage Electronic
10 Registration System about a home-loan modification that she alleges violates state and federal
11 laws, and a security interest in her home that she alleges is invalid or unperfected.¹ Thatcher
12 seeks declaratory and injunctive relief and damages.² This case is only a few days old yet
13 Thatcher moves in two separate, single-paragraph motions to quiet title in her home under 28
14 U.S.C. § 2409a³ and for an order for a lis pendens under NRS 14.010.⁴ I construe each motion as
15 one seeking summary judgment and deny them both.

16 **Discussion**

17 This court's local rules provide that "[t]he failure of a moving party to file points and
18 authorities in support of the motion constitutes a consent to the denial of the motion."⁵ Further,
19 motions for summary judgment "must include a concise statement setting forth each fact material
20 to the disposition of the motion that the party claims is or is not genuinely in issue, citing the
21 particular portions of any pleading, affidavit, deposition, interrogatory, answer, admission, or
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23 ¹ ECF No. 1.

24 ² *Id.*

25 ³ ECF No. 3.

26 ⁴ ECF No. 4.

27 ⁵ LR 7-2(d). A copy of the local rules are available on the court's website at
28 www.nvd.uscourts.gov.


1 other evidence on which the party relies.”⁶ Neither of Thatcher’s motions contains any statement
2 of fact, evidence, legal authority, or analysis.⁷ Thatcher’s motions are therefore deficient and I
3 deny them for this reason.

4 I also note that it is not clear what Thatcher seeks with her motion for “an Order of Lis
5 Pendens.” A lis pendens is a written instrument that provides notice of the pendency of an action
6 “for the foreclosure of a mortgage upon real property, or affecting the title or possession of real
7 property”⁸ Nevada law requires the plaintiff to record a notice of lis pendens with the
8 recorder of the county in which the property is situated at the time that she files a complaint
9 affecting real property.⁹ A defendant is also required to file one at the time of filing its answer
10 but only if it claims affirmative relief in its answer.¹⁰ Thatcher does not need a court order
11 permitting her to record a lis pendens and she is not entitled to an order compelling the
12 defendants to do so because there is no evidence that either defendant has been served with a
13 summons and a copy of the complaint in this case, let alone filed an answer that seeks
14 affirmative relief.

15 **Conclusion**

16 Accordingly, IT IS HEREBY ORDERED that Thatcher’s motion to quiet title [ECF No.
17 3] and motion for an order of lis pendens [ECF No. 4] are DENIED.

18 Dated: January 30, 2018

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21 U.S. District Judge Andrew P. Gordon

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24 ⁶ *Id.* at 56-1.

25 ⁷ *See generally* ECF Nos. 3, 4.

26 ⁸ Nev. Rev. Stat. § 14.010(1).

27 ⁹ *Id.*

28 ¹⁰ *Id.*