

1
2
3
4
5
6
7
8
9
10
11
12
13
14

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MATTHEW SCOTT FISK,
Plaintiff,
vs.
BANK OF AMERICA and individuals,
partnerships, or anyone claiming
any interest to the property
described in the action,
Defendants.

) 3:11-cv-00782-ECR-VPC
)
)
)
) Order
)
)
)
)
)
)
)
)
)
)

On September 22, 2011, Plaintiff filed this action to quiet title in the Second Judicial District Court of the State of Nevada in and for the County of Washoe. On October 26, 2011, Defendant Bank of America, N.A. ("Defendant" or "BofA") filed a Petition for Removal (#1) pursuant to 28 U.S.C. § 1441(a). Plaintiff's complaint (#1-3) requests that we postpone the foreclosure that was scheduled in 2011, issue a declaratory judgment holding that Plaintiff was the victim of a predatory lending scheme, and quiet title on the property located at 2589 Springflower Drive, Reno, Nevada, 89521 ("Property"). Plaintiff alleges that he has been through an "extremely disjointed loan modification process" but admits to having defaulted on his mortgage. (Compl. (#1-3).)

On November 2, 2011, BofA filed a Motion to Dismiss and Motion to Expunge Lis Pendens (#8) for failure to state a claim upon which

1 relief can be granted, and requesting that we expunge the lis pendens
2 Plaintiff recorded on the subject property. As BofA argues in the
3 Motion to Dismiss (#8), Plaintiff's complaint (#1-3) does not state a
4 claim upon which relief may be granted. Plaintiff submitted a
5 complaint (#1-3) with a list of allegations concerning his
6 dissatisfaction with the loan modification process, but does not
7 allege specifically what misrepresentations were made or what actions
8 of BofA constitute predatory lending. Plaintiff did not submit an
9 opposition to the Motion to Dismiss (#8) and has not requested leave
10 to amend his complaint. On April 16, 2012, BofA filed a Notice of
11 Non-opposition (#14) stating that Plaintiff has not filed an
12 opposition to the Motion to Dismiss and Motion to Expunge Lis Pendens
13 (#8).

14 **IT IS, THEREFORE, HEREBY ORDERED** that the Motion to Dismiss (#8)
15 is **GRANTED**. Plaintiff's claims are **DISMISSED**. Defendant's Motion to
16 Expunge Lis Pendens (#8) is also **GRANTED**.

17 The Clerk shall enter judgment accordingly.
18
19

20 DATED: May 30, 2012.

21 
22 UNITED STATES DISTRICT JUDGE

23
24
25
26
27
28