

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT M. BAUER

v.

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., ET AL.

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Civil No. – JFM-14-79

MEMORANDUM

Green Tree Servicing, LLC has filed a motion to dismiss. The other defendants have joined in the motion. The motion will be granted for the following reasons.

First, plaintiff, who is not a party to the agreements assigning the mortgage in question, does not have standing to bring this action. *See, e.g., Souders v. Bank of America*, No. 1:cv-12-1074, 2012 WL 7009007, at *11 (M.D. Pa. Dec. 6, 2012), *report and recommendation adopted at* No. 1:12-CV-1074. The distinction that plaintiff seeks to draw by asserting that he is challenging not the mortgage in general but only his obligations to Green Tree is unavailing. Plaintiff cites no authority in support of this distinction, and the various cases which find that plaintiffs lack standing to challenge a mortgage assignment arise under the same facts involved in this case.

Second, plaintiff's request for declaratory relief is nothing more than an attempt to end-run the pending mortgage foreclosure action instituted by Green Tree. Any defenses that plaintiff has to the foreclosure may be raised in that proceeding.

Third, plaintiff has cited no authority in support of his claim for monetary damages.

A separate order dismissing this action is being entered herewith.

Date: July 24, 2014

/s/ J. Frederick Motz
J. Frederick Motz
United States District Judge

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ORDER

For the reasons stated in the accompanying memorandum, it is, this 24th day of July 2014

ORDERED

1. The motion to dismiss filed by defendant Green Tree Servicing, LLC (document 6) which has been joined by the other defendants, is granted; and
2. This action is dismissed.

/s/ J. Frederick Motz

J. Frederick Motz
United States District Judge