

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

STEVEN D. HIGGS,
Plaintiff,

vs.

CASTLE & COOK MORTGAGE, LLC;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.; BAC
HOME LOANS SERVICING, LP;
RECONTRUST COMPANY, N.A.; et al.
Defendants.

MEMORANDUM DECISION AND
ORDER ON PENDING MOTIONS

Case No. 2:10-cv-180 TS

This matter is before the Court on a number of pending motions, including: a Motion to Dismiss filed by Defendants BAC Home Loans Servicing, LP, ReconTrust Company N.A. (“ReconTrust”) and Mortgage Electronic Registration Systems, Inc. (“MERS”); a Motion to Dismiss filed by Plaintiff to dismiss Defendant Castle & Cooke Mortgage; and a Motion for Summary Judgment filed by Plaintiff.

The Court notes that Plaintiff’s Complaint is identical, save the substitution of the respective parties’ names, to a Complaint the Court previously dismissed for failure to state a

claim.¹ In fact, Plaintiff's opposition to Defendants' motion to dismiss is identical to the *Wareing* Plaintiffs' opposition to the *Wareing* Defendants' motion to dismiss.² As the Court can find no meaningful distinction between Plaintiff's Complaint and the one rejected in *Wareing*, and as Plaintiff has brought forth no argument to suggest that the Court's reasoning in *Wareing* was in error, the Court will dismiss the Complaint for the reasons set forth in *Wareing*.

It is therefore

ORDERED that Defendants BAC Home Loans Servicing, LP, ReconTrust Company N.A. and Mortgage Electronic Registration Systems, Inc.'s Motion to Dismiss (Docket No. 4) is GRANTED. It is further

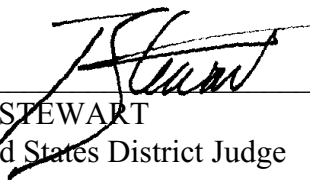
ORDERED that Plaintiff's Motion to Dismiss Defendant Castle & Cooke Mortgage, LLC (Docket No. 9) is GRANTED. It is further

ORDERED that Plaintiff's Motion for Summary Judgment (Docket No. 11) is DENIED as MOOT.

The Clerk of the Court is directed to close this case forthwith.

DATED March 22, 2011.

BY THE COURT:



TED STEWART
United States District Judge

¹See *Wareing v. Meridias Capital*, Case No. 10-CV-1065 (Mar. 17, 2011).

²Compare Docket No. 10 with *Wareing*, Case No. 10-CV-1065 (Docket No. 12).