

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DONALD JONES,

Plaintiff,

v.

Case No: 2:18-cv-649-FtM-38CM

BANK OF AMERICA and REVERSE
MORTGAGE SOLUTIONS, INC.,

Defendants.

ORDER¹

Before the Court is Defendants Bank of America, N.A. and Reverse Mortgage Solutions, Inc.'s Motion to Dismiss. ([Doc. 17](#)). The Court denies without prejudice the motion because United States Magistrate Judge Carol Mirando is still deciding *pro se* Plaintiff Donald Jones' request to proceed *in forma pauperis*. Judge Mirando previously found the complaint not to state a cognizable claim in federal court and did not comply with Federal Rules of Civil Procedure 8 and 10. ([Doc. 4](#)). As such, she denied without prejudice Jones' Affidavit of Indigency and gave him leave to file an amended pleading – which he did ([Doc. 10](#)). But she has not yet reviewed the Amended Complaint for plausibility and procedural compliance. Nor has she ruled on Jones' *in forma pauperis* status and, in turn, service. The Court thus denies Defendants' motion to dismiss.

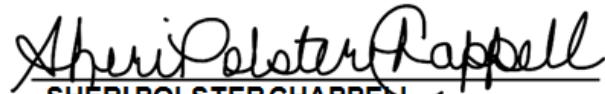
Accordingly, it is now

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ORDERED:

Defendants Bank of America, N.A. and Reverse Mortgage Solutions, Inc.'s Motion to Dismiss ([Doc. 17](#)) is **DENIED without prejudice**.

DONE and **ORDERED** in Fort Myers, Florida this 19th day of November 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: United States Magistrate Judge Carol Mirando
All Parties of Record