

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

PAUL M. MUATHE and  
DONALD M. MUATHE,

Plaintiffs,

v.

Case No. 14-2147-JTM

GOVERNMENT NATIONAL  
MORTGAGE ASSOCIATION,  
et al.,

Defendants.

MEMORANDUM AND ORDER

The court has before it defendant Government National Mortgage Association's Motion to Dismiss (Dkt. 16). The court previously granted motions to dismiss for failure to state a claim by defendants M&T Bank and Bank of America on May 14, 2014. Dkt. 21. That order laid out the appropriate background of the case, which the court need not repeat here.

As with the prior motions to dismiss, pro se plaintiffs Paul and Donald Muathe have not timely responded to GNMA's motion. GNMA argues that the plaintiffs' complaint should be dismissed for lack of subject-matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1) and for failure to state a claim under Rule 12(b)(6). GNMA's argument relying on Rule 12(b)(6) makes the same points as the previous motions to dismiss that the court granted. Specifically, GNMA argues that the plaintiffs do not assert a cognizable legal theory under Kansas law pertaining to quiet title actions. As before, the court agrees and dismisses the complaint against GNMA. The

court set forth its Rule 12(b)(6) analysis in its prior order, and it need not repeat it here. *See* Dkt. 21. Having found the substance of the complaint lacking, the court does not need to address GNMA's subject-matter jurisdiction argument.

The court also has before it defendant Bank of America's Motion to Dismiss (Dkt. 18), filed on May 12, 2014. Having already terminated Bank of America as a defendant in this case after granting its first motion to dismiss, the court holds that the new motion is moot.

IT IS THEREFORE ORDERED this 29th day of May, 2014, that Government National Mortgage Association's Motion to Dismiss (Dkt. 16) is granted.

IT IS ALSO ORDERED that Bank of America's Motion to Dismiss (Dkt. 18) is denied as moot.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE