

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Alice R. Jones v. CitiMortgage, Inc., et al.

Jones · No. 25-cv-1993-pp · Decided March 13, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin reminds the plaintiff that she may file an amended complaint instead of responding to the defendants’ Rule 12(b)(6) motion to dismiss. The court orders the plaintiff to file either an amended complaint or a response by March 31, 2026.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	March 13, 2026
DOCKET	25-cv-1993-pp
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6). Before requiring a response, the court advised the plaintiff that she could instead file an amended complaint within the applicable period.
STANDARD OF REVIEW	Not reached; the court did not decide the motion to dismiss.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- motions to dismiss
- motion to amend
- pleadings
- civil procedure
- mortgages

PRACTICE AREAS

- civil procedure
- pleadings
- mortgages

QUESTIONS PRESENTED

- Whether the plaintiff may file an amended complaint as a matter of course within twenty-one days after service of a responsive pleading.

2. What procedural action the plaintiff must take by March 31, 2026 in response to the defendants' motion to dismiss.

HOLDINGS

1. Federal Rule of Civil Procedure 15(a)(1) permits the plaintiff to file an amended complaint as a matter of course within twenty-one days after service of the responsive pleading, and the plaintiff may use that option to attempt to cure the deficiencies identified in the motion to dismiss.
2. The plaintiff was ordered to file either an amended complaint or a response to the motion to dismiss by March 31, 2026.

KEY QUOTATIONS

“The plaintiff is free to timely file a response to the motion to dismiss, but the court reminds the plaintiff that she has another option—she may file an amended complaint to try to cure the alleged deficiencies.”

(unpaginated order)

“The court ORDERS that by March 31, 2026 the plaintiff shall file either an amended complaint or a response to the motion to dismiss.” (unpaginated order)

FACTUAL BACKGROUND

The plaintiff filed a complaint against CitiMortgage, Inc., and other defendants. The defendants contended that the pleading was deficient under the Federal Rules of Civil Procedure, including that fraud allegations were not well pleaded. The court gave the plaintiff the option to amend rather than immediately respond to the motion to dismiss.

PROCEDURAL HISTORY

The defendants filed a Rule 12(b)(6) motion on March 10, 2026, arguing that the complaint failed to satisfy Rules 8 and 10, alleged conclusory and implausible claims, and failed to plead fraud with particularity under Rule 9. The court ordered the plaintiff, by March 31, 2026, to file either an amended complaint or a response to the motion to dismiss.

DISPOSITION

other

CASES CITED

- *Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. & Nw. Ind.*, 786 F.3d 510, 522 (7th Cir. 2015)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN ALICE R. JONES, Plaintiff, Case No. 25-cv-1993-pp v. CITIMORTGAGE, INC., et al., Defendants.
ORDER REMINDING PLAINTIFF OF OPTION TO FILE AMENDED COMPLAINT IN LIEU

OF RESPONDING TO DEFENDANTS' MOTION TO DISMISS (DKT. NO. 6) On March 10, 2026, the defendants filed a motion to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim.

Dkt. No. 6. The defendants argue that the complaint does not meet the pleading requirements of Federal Rules of Civil Procedure 8 and 10, dkt. no. 7 at 3-4, that the plaintiff's allegations are conclusory and do not state a plausible claim, id. at 4-5, and that the plaintiff's claims referencing fraud are not well pleaded under Fed. R. Civ. P. 9, id. at 5-6.

Under Civil Local Rule 7(b) (E.D. Wis.), if the plaintiff wishes to oppose the motion she must do so within twenty-one days—that is by March 31, 2026. The plaintiff is free to timely file a response to the motion to dismiss, but the court reminds the plaintiff that she has another option—she may file an amended complaint to try to cure the alleged deficiencies.

See *Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. and Nw. Ind.*, 786 F3d 510, 522 (7th Cir. 2015) (explaining that a responsive amendment may avoid the need to decide the motion or reduce the number of issues decided). Fed. R. Civ. P. 15(a)(1) allows the plaintiff to file the amended complaint as a matter of course within twenty-one days after service of the responsive pleading.

The court ORDERS that by March 31, 2026 the plaintiff shall file either an amended complaint or a response to the motion to dismiss. Dated in Milwaukee, Wisconsin this 13th day of March, 2026.
BY THE COURT: Chief United States District Judge