

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA, HARRISONBURG DIVISION

Kimberly Wood v. Cohn, Goldberg & Deutsch LLC et al.

Wood · No. 5:25-cv-00135 · Decided December 8, 2025

SUMMARY

The United States District Court for the Western District of Virginia grants Kimberly Wood’s motion to proceed in forma pauperis but dismisses her complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim. The court finds that Wood’s allegations concerning a reverse mortgage foreclosure and purported violations of federal mortgage laws, including TILA and RESPA, lack sufficient factual detail. The court denies her motion for a preliminary injunction as moot and grants leave to amend within 21 days.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Harrisonburg Division
WRITING FOR THE COURT	Jasmine H. Yoon
JURISDICTION	United States District Court for the Western District of Virginia, Harrisonburg Division
DECIDED	December 8, 2025
DOCKET	5:25-cv-00135
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff moved to proceed in forma pauperis and sought a preliminary injunction. The district court screened the complaint under 28 U.S.C. § 1915(e)(2)(B)(ii), dismissed it without prejudice for failure to state a claim, denied the preliminary-injunction motion as moot, and granted leave to amend.
STANDARD OF REVIEW	On screening under 28 U.S.C. § 1915(e)(2)(B)(ii), the court applied the same standard as a Rule 12(b)(6) motion, accepting well-pleaded factual allegations as true and viewing the complaint in the light most favorable to the plaintiff.
PRECEDENTIAL VALUE	unpublished
PARTIES	Kimberly Wood v. Cohn, Goldberg & Deutsch LLC et al.

TOPICS

motions to dismiss

injunctions

foreclosure

consumer protection

civil procedure

PRACTICE AREAS

civil procedure

foreclosure

consumer protection

real estate

remedies

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible claim for relief under the federal statutes identified by Wood, including TILA and RESPA.
2. Whether the court should dismiss the complaint under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim.
3. Whether Wood was entitled to a preliminary injunction while the complaint was subject to dismissal.

HOLDINGS

1. The complaint failed to state a plausible claim because most of the cited criminal and regulatory provisions do not provide a private right of action, and the allegations concerning TILA and RESPA lacked sufficient factual detail identifying the alleged violations and resulting harm.
2. The court sua sponte dismissed Wood's complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii) because it failed to state a claim upon which relief could be granted.
3. The motion for a preliminary injunction was denied as moot because the complaint was dismissed.

KEY QUOTATIONS

“To avoid dismissal, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’””

“Accordingly, the court will sua sponte dismiss Wood’s complaint under 28 U.S.C. § 1915(e) because it does not state a claim upon which relief may be granted.”

FACTUAL BACKGROUND

Wood challenged a Home Equity Conversion Mortgage, or reverse mortgage, that her mother allegedly obtained in 2010. Wood asserted that the loan was void and fraudulent because her father, who was allegedly a co-owner when the loan was obtained, did not consent or sign the loan documents. She alleged that defendants were attempting to foreclose on or sell the property, but did not provide sufficient factual detail about defendants' involvement or identify specific TILA or RESPA requirements allegedly violated.

PROCEDURAL HISTORY

Wood filed a complaint concerning an allegedly fraudulent Home Equity Conversion Mortgage and a threatened nonjudicial foreclosure sale. She moved to proceed in forma pauperis and for a preliminary injunction. The district court granted in forma pauperis status, sua sponte dismissed the complaint under the in forma pauperis screening statute, denied the injunction motion without prejudice as moot, and allowed Wood 21 days to amend.

DISPOSITION

dismissed

CASES CITED

- *Eriline Co. S.A. v. Johnson*, 440 F.3d 648, 656-57 (4th Cir. 2006)
- *De'Lonta v. Angelone*, 330 F.3d 630, 633 (4th Cir. 2003)
- *Philips v. Pitt Cnty. Mem'l Hosp.*, 572 F.3d 176, 180 (4th Cir. 2009)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 557, 570 (2007)
- *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)
- *Weller v. Dep't of Soc. Servs. for City of Balt.*, 901 F.2d 387, 391 (4th Cir. 1990)
- *Bing v. Brivo Sys., LLC*, 959 F.3d 605, 618 (4th Cir. 2020)
- *Robertson v. Foster*, No. ELH-16-3610, 2017 WL 1104664, at *6 (D. Md. Mar. 14, 2017)
- *In re Miller*, 124 F. App'x 152, 153-54 (4th Cir. 2005)
- *Beaudett v. City of Hampton*, 775 F.2d 1274, 1276 (4th Cir. 1985)
- *Robertson v. United States*, No. CIV. WDQ-13-1383, 2014 WL 465714, at *4 n.7 (D. Md. Feb. 4, 2014)
- *Evans v. Richardson*, No. CV 3:16-3202-JFA, 2017 WL 359498, at *6 (D.S.C. Jan. 25, 2017), appeal dismissed and remanded on other grounds, 689 F. App'x 750 (4th Cir. 2017)

OPINION

December 08, 2025 By YDADA IN THE UNITED STATES DISTRICT COURT oes POR THE WESTERN DISTRICT OF VIRGINIA HARRISONBURG DIVISION Kimberly Wood,) Plaintiff, v. Civil Action No. 5:25-cv-00135 Cohn, Goldberg & Deutsch LLC ef af, Defendants. MEMORANDUM OPINION AND ORDER This matter is before the court on pro se Plaintiff Kimberly Wood's motion for leave to proceed 7 forma pauperis, (Dkt.

2), and motion for a preliminary injunction, (Dkt. 3). Based on Wood's representations in her application, (Dkt. 2), the court will grant her motion for leave to proceed én forma pauperis pursuant to 28 U.S.C. § 1915(a)(1).

The court must dismiss a complaint filed im forma pauperis "at any time if the court determines that... [the complaint] fails to state a clatm on which relief may be granted." 28 USS.C. § 1915(e) (2)(B) Gi); see *Eriline Co. S_A. v. Johnson*, 440 F.3d 648, 656-57 (4th Cir. 2006).

The standards for reviewing a complaint under § 1915(e)(2)(B) (ii) are the same as those used when a defendant moves for dismissal under Federal Rule of Civil Procedure 12(b)(6), such that the court must accept all well-pleaded factual allegations as true and view the complaint in the light most favorable to the plaintiff. *De'Lonta v. Angelone*, 330 F.3d 630, 633 (4th Cir.

2003); see *Philips v. Pitt Cnty. Mem'l Hosp.*, 572 F.3d 176, 180 (4th Cir. 2009). To avoid dismissal, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A complaint satisfies the plausibility standard when it “pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678.

The plaintiff must allege more than “labels and conclusions” or “naked assertion[s]” unsupported by “further factual enhancement.” *Id.* (quoting *Twombly*, 550 U.S. at 555, 557). The court must liberally construe pleadings filed by a pro se party. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

However, liberal construction “does not transform the court into an advocate” for pro se parties. *Weller v. Dep’t of Soc. Servs. for City of Balt.*, 901 F.2d 387, 391 (4th Cir. 1990). Pro se parties, like all litigants, must comply with the pleading requirements in the Federal Rules of Civil Procedure. *Bing v. Brivo Sys., LLC*, 959 F.3d 605, 618 (4th Cir. 2020).

In its current form, Wood’s complaint does not allege sufficient facts to state a plausible claim for relief. She includes a long list of federal statutes as the provisions “at issue” in this case. (See Compl. at 3 (Dkt. 1) (“18 USC 1621; 18 USC 8; 15 USC 1605; 26 USC 7206 fraud and false statements; 12 USC 2605 (RESPA); 12 USC 2614 (RESPA); 15 USC (TILA); Declaratory Judgement Act 28 USC 2201-2202; 21 USC 1391 property Strasburg, Va; 18 USC 241 & 242, 12 USC 171 5z-20; 24 CFR Part 206; 18 USC 1343; 18 USC 1014”).)

Most of these are criminal or regulatory provisions that cannot support a private right of action. See, e.g., *Robertson v. Foster*, No. ELH-16-3610, 2017 WL 1104664, at *6 (D. Md. Mar. 23, 2017) (“It is well established that there is no private cause of action to pursue claims under federal criminal statutes.”); *In re Miller*, 124 F. App’x 152, 153–54 (4th Cir.

2005) (affirming the district court’s decision that no private right of action, implied or express, exists under 12 U.S.C. § 1715u(a)). Thus, most of these statutes cannot form the basis for a claim upon which relief can be granted, regardless of the facts alleged.

To the extent that Wood briefly cites the federal mortgage laws entitled the Truth in Lending Act (“TILA”), 5 U.S.C. § 1601 et seq., and the Real Estate Settlement Procedures Act (“RESPA”), 12 U.S.C. § 2601 et seq., these statutes allow for private rights of action and suits for damages under certain circumstances. See 15 U.S.C. § 1640(a); 12 U.S.C. § 2605(f).

However, Wood does not provide sufficient information to make out a claim under either of these statutes. The facts as set forth in the complaint are difficult to ascertain, but it appears that the Home Equity Conversion Mortgage (“HECM”) loan, or reverse mortgage, was originally obtained by Wood’s mother in 2010. (Compl. at 5, 7, 9; Dkt. 1-6 at 2.) Wood’s allegations center on how

this loan is “void and fraudulent” because her father, a co-owner at the time the loan was obtained, “never gave consent” and “never signed papers.” (Compl. at 5; see id. at 7, 9.)

Wood broadly claims that the Defendants’ participation in foreclosing on the house violates federal law. (See Compl. at 5 (alleging that the “[l]aw firm is attempting to sell Plaintiffs [sic] property unlawfully”); id. at 7 (claiming that “Compul [sic] Link is attempting to foreclose on Plaintiffs [sic] property under fraud and theft”).)

However, she provides no factual detail about the Defendants’ involvement, nor does she specify which requirements of TILA or RESPA they allegedly violated and how. “Though [pro se] litigants cannot, of course, be expected to frame legal issues with the clarity and precision ideally evident in the work of those trained in law, neither can district courts be required to conjure up and decide issues never fairly presented to them.” *Beaudett v. City of Hampton*, 775 F.2d 1274, 1276 (4th Cir.

1985). Accordingly, the court will sua sponte dismiss Wood’s complaint under 28 U.S.C. § 1915(e) because it does not state a claim upon which relief may be granted. The court will grant Wood leave to file an amended complaint providing sufficient facts about Defendants’ alleged federal mortgage law violations and how Wood was harmed by such violations.

The court will also deny without prejudice Wood’s motion for a preliminary injunction. See *Robertson v. United States*, No. CIV. WDQ-13-1383, 2014 WL 465714, at *4 n.7 (D. Md. Feb. 4, 2014) (“Because [Plaintiff’s] complaint will be dismissed, his motion for a preliminary injunction will be denied as moot.”); *Evans v. Richardson*, No. CV 3:16-3202-JFA, 2017 WL 359498, at *6 (D.S.C.

Jan. 25, 2017), appeal dismissed and remanded on other grounds, 689 F. App’x 750 (4th Cir. 2017) (“[B]ecause Plaintiff has failed to state a claim upon which relief can be granted, it is not proper for this Court to order a temporary restraining order or preliminary injunction in this case.”).

The court also notes that, under the authority Wood cites in her motion, a state circuit court may be a more appropriate venue to seek an injunction preventing the nonjudicial foreclosure sale. Specifically, Wood cites Va. Code Ann. § 8.01-620—a Virginia statute entitled “General jurisdiction of circuit court to award injunctions.” Va. Code Ann. § 8.01-620 (emphasis added).

This statute provides jurisdiction to the state circuit court to issue an injunction, but not the federal district court. If Wood seeks injunctive relief pursuant to this Virginia statute regarding a house located in Shenandoah County, (Dkt. 3 at 1), Shenandoah County Circuit Court may be the more appropriate venue.

For the foregoing reasons, Wood’s application to proceed in forma pauperis, (Dkt. 2), is GRANTED, but the complaint is DISMISSED without prejudice under 28 U.S.C. § 1915(e)(2)(B) (ii). The motion for preliminary injunction, (Dkt. 3), is DENIED as moot. Wood is granted leave to

file an amended complaint no later than 21 days after the date of this Memorandum Opinion and Order.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to Wood. ENTERED this 8th day of December, 2025. HON. JASMINE H. YOON UNITED STATES DISTRICT JUDGE

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