

# United States Court of Appeals For the First Circuit

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No. 19-1792

BETSY SACHS,

Plaintiff - Appellant,

v.

BANK OF AMERICA, N.A.,

Defendant - Appellee.

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Before

Howard, Chief Judge,  
Torruella and Thompson, Circuit Judges.

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## JUDGMENT

Entered: March 6, 2020

Pro se plaintiff-appellant Betsy Sachs appeals from the district court's 1) denial of two motions to remand to state court; 2) dismissal of her complaint, pursuant to Fed. R. Civ. P. 12(b)(6), for failure to state a claim; and 3) denial of a post-judgment motion for reconsideration.

Following a careful review of relevant portions of the record and the arguments sufficiently developed by Sachs with her brief, we conclude that the appeal presents no "substantial question" and that summary affirmance is in order. 1st Cir. R. 27.0(c); see also Sparkle Hill, Inc. v. Interstate Mat Corp., 788 F.3d 25, 30 (1st Cir. 2015) (this court "do[es] not consider arguments for reversing a decision of a district court when the argument is not raised in a party's opening brief," particularly where "the opening brief presents no argument at all challenging [the] express grounds upon which the district court prominently relied in entering judgment"); United States v. Zannino, 895 F.2d 1, 17 (1st Cir. 1990) ("[I]ssues adverted to in a perfunctory manner, unaccompanied by some effort at developed argumentation, are deemed waived.").

We arrive at this conclusion substantially for the reasons set out by the district court when it dismissed the complaint and when it denied Sachs's motions to remand and for reconsideration. See Woods v. Wells Fargo Bank, N.A., 733 F.3d 349, 353 (1st Cir. 2013) (reviewing de novo dismissal on Fed. R. Civ. P. 12(b)(6) grounds); Samaan v. St. Joseph Hosp., 670 F.3d 21, 27 (1st

Cir. 2012) (reviewing de novo denial of a motion to remand); Biltcliffe v. CitiMortgage, Inc., 772 F.3d 925, 930 (1st Cir. 2014) (reviewing denial of Fed. R. Civ. P. Rule 59(e) motion for abuse of discretion); Roosevelt REO PR II Corp. v. Del Llano-Jimenez, 765 F. App'x 459, 461 (1st Cir. 2019) (unpublished opinion) (reviewing denial of Fed. R. Civ. P. 60(b) motion for abuse of discretion).

**Affirmed.**

By the Court:

Maria R. Hamilton, Clerk

cc:

Betsy Sachs  
Connie Flores Jones

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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BETSY SACHS, )  
Plaintiff, )  
v. ) C.A. No. 19-cv-156-JJM-PAS  
BANK OF AMERICA, N.A., )  
Defendant. )  
)

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ORDER

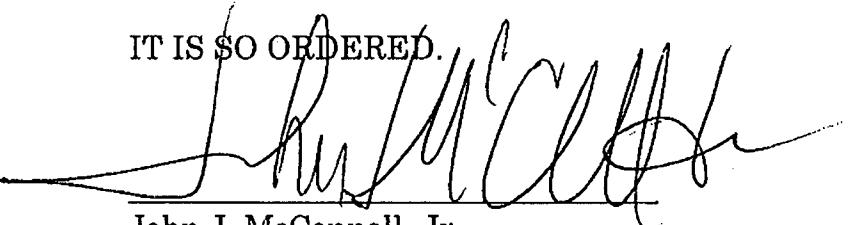
Plaintiff Betsy Sachs sued Bank of America, N.A. ("BofA"), the Mortgagee and note holder for a loan she obtained on her property in Hopkinton, Rhode Island. In her complaint, Ms. Sachs makes allegations against her financial advisor, against whom she has an active complaint in state court where she alleges mismanagement of funds among other things. She generally accuses BofA of predatory lending and asks the Court to quiet title and for a declaratory judgment. BofA has filed a Motion to Dismiss, which Ms. Sachs opposes.

The Court finds that Ms. Sachs does not state a claim of any recognizable cause of action against BofA. She makes a bare allegation of predatory lending against BofA, but that allegation is unsupported by any plausible facts. She alleges no plausible facts to support a claim that BofA did anything illegal or even wrong relative to her defaulted mortgage. And she admits that she did not make her required mortgage payments and that she is in default. BofA has superior title to the

property and so there is no basis for quieting title or for a declaratory judgment about the title.

Because Ms. Sachs states no claim upon which relief can be granted, the Court GRANTS Defendant Bank of America, N.A.'s Motion to Dismiss. ECF No. 5.

IT IS SO ORDERED.

  
John J. McConnell, Jr.  
United States District Judge

July 10, 2019

# United States Court of Appeals For the First Circuit

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Plaintiff - Appellant,

v.

BANK OF AMERICA, N.A.,

Defendant - Appellee.

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Before

Howard, Chief Judge,  
Torruella and Thompson, Circuit Judges.

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## ORDER OF COURT

Entered: March 26, 2020

Pro se plaintiff-appellant Betsy Sachs's "motion for reconsideration," construed as a petition for panel rehearing, is denied. See Fed. R. App. P. 40(a)(2).

By the Court:

Maria R. Hamilton, Clerk

cc:

Betsy Sachs  
Connie Flores Jones