



Rocket Homes Rocket Mortgage v. Jodlowski

2023 | Cited 0 times | S.D. Ohio | November 27, 2023

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION

ROCKET HOME ROCKET MORTGAGE, Civil Action No. 1: 23-cv-606

Plaintiff, Hopkins, J.

Litkovitz, M.J. vs. JOJEAN JODLOWSKI, REPORT AND

Defendant. RECOMMENDATION

On September 25, 2023, JoJean Jodlowski submitted a notice of removal/complaint for filing. Ms. Jodlowski did not paid the \$402.00 filing fee or request leave to proceed in forma pauperis to file this action. “The applicable law here requires [Ms. Jodlowski] to either pay the filing fee required by 28 U.S.C. § 1914(a) or submit an in forma pauperis application with accompanying financial information, 28 U.S.C. § 1915(a); see also *Truitt v. Cty. of Wayne*, 148 F.3d 644, 648 (6th Cir. 1998).” In *re El*, No. 2:17-mc-23, 2020 WL 2465007, at *2 (S.D. Ohio May 13, 2020). The Court notified Ms. Jodlowski of the Court’s filing fee requirements, but she did not timely respond to the Notice of Deficiency. (Doc. 3). While Ms. Jodlowski submitted three documents in response to the Notice of Deficiency, none satisfied the filing fee requirements. (See Docs. 3, 4, 5).

On October 27, 2023, the Court ordered Ms. Jodlowski to pay the full filing fee of \$402.00 or submit an application and affidavit to proceed in forma pauperis within 30 days. (Doc. 6). Ms. Jodlowski was advised that the notice of removal/complaint would not be deemed as “filed” until the appropriate filing fee is paid or Ms. Jodlowski is granted leave to proceed in forma pauperis. (*Id.*, citing *Truitt*, 148 F.3d at 648). Ms. Jodlowski was warned that her failure to pay the filing fee or submit an application to proceed in forma pauperis within the time limit could result in the dismissal of the notice of removal/ complaint. (*Id.*).

Ms. Jodlowski then filed a “notice of motion” (Doc. 7), which appears to address the merits of the state court foreclosure action on which her notice of removal/complaint is based. She also filed an “affidavit in support of motions” (Doc. 8), which also addresses the merits of the state court action and includes 129 pages of exhibits related to that action. None of these documents satisfy the filing fee requirements of the Court. To date, more than 30 days after the October 27, 2023 Order, Ms.



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Jodlowski has failed to pay the \$402.00 filing fee or request leave to proceed in forma pauperis. Accordingly, this matter should be dismissed without prejudice and terminated on the docket of this Court. IT IS SO RECOMMENDED.

Date: Karen L. Litkovitz United States Magistrate Judge

11/22/2023

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Plaintiff, Hopkins, J.

Litkovitz, M.J. vs. JOJEAN JODLOWSKI,

Defendant.

NOTICE TO THE PARTIES REGARDING THE FILING OF OBJECTIONS TO R&R Pursuant to Fed. R. Civ. P. 72(b), WITHIN 14 DAYS after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections WITHIN 14 DAYS after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

