

1 Ed Vallejo
5612 Lankershim Blvd.
2 N. Hollywood, CA. 91601
Tel: 1 (818) 415-5633
3 Email: Eevallejo@yahoo.com

4 Plaintiff in *Pro Per*
5

6
7 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA

8 ED VALLEJO, an individual)

9 Plaintiff,)

10 vs.)

11 FEDERAL NATIONAL MORTGAGE)

12 ASSOCIATION, et al., and DOES 1-25,)

13 INCLUSIVE,)

14 Defendant.)
15)
16)
17)

Case No : 2:25-cv-09737-MWC-BFM

PLAINTIFF'S MOTION FOR ORDER
DIRECTING SERVICE BY UNITED STATES
MARSHAL PURSUANT TO FED. R. CIV. P.
4(c)(3) TO SERVE ATTACHED COMPLAINT

Hearing Date : T.B.D.

Hearing Time:

Department :

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22 **TO THE HONORABLE COURT, THE CLERK AND OTHER INTERESTED**

23 **PARTIES:**

24
25 **NOW COMES** Plaintiff Ed Vallejo, proceeding pro se and *in forma pauperis*
26 (IFP), respectfully moves this Court for an order directing the United States Marshal to
27 serve the summons and Attached Amended Complaint on Defendant Federal National Mortgage
28

1 Association (Fannie Mae) and any remaining defendants.

2 The first Federal Court granted Plaintiff IFP status post-transfer from D.D.C.
3 Case No. 1:24-cv-02708.

4 Under Federal Rule of Civil Procedure 4(c)(3), the Court must order service by a
5 United States Marshal when a plaintiff is authorized to proceed in *forma pauperis*
6 under 28 U.S.C. § 1915.

7 Plaintiff has prepared and will send a completed Form USM-285 (Process
8 Receipt and Return) for the Marshal to serve on defendant Fannie Mae, along with a
9 copy of the updated summons and the attached Amended Complaint.
10

11 Service Address for Federal National Mortgage Association (Fannie Mae):

12 c/o:

13
14 Executive Vice President,
15 General Counsel, and
16 Corporate Secretary
17 (Authorized Agents)
18 1100 15th Street, NW
19 Washington, DC 20005

20 (Or as otherwise directed by the Court.)

21 Good cause exists for this order, as prior attempts at service were deemed
22 insufficient, leading to dismissal without prejudice on December 1, 2025.

23 The Marshal service will ensure proper compliance with FRCP 4(m).

24 No opposition is expected, as this is a mandatory procedural request for IFP
25 Plaintiffs.
26
27
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1 **WHEREFORE**, Plaintiff requests that the Court:

2 (a) Order the U.S. Marshal to serve the summons and attached Complaint on

3 the defendant Fannie Mae; and

4 (b) Grant such other relief as the Court deems just and proper.

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6 Dated: December 24, 2025

7
8 Respectfully submitted,

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10
11 /s/ Ed Vallejo
12 Ed Vallejo
13 5612 Lankershim Blvd.
14 N. Hollywood, CA. 91601
15 Tel: 1 (818) 415-5633
16 Email: Eevallejo@yahoo.com

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21 Plaintiff in *Pro Per*

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2 On December 23, 2025 the Court dismissed the previous case without prejudice
3 to filing this new:
4

5
6 **COMPLAINT FOR VIOLATIONS OF THE REAL ESTATE**
7 **SETTLEMENT PROCEDURES ACT (RESPA),**
8 **DECLARATORY RELIEF, AND RELATED CLAIMS**

9 **JURISDICTION**

10 This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.
11 § 1331, as it arises under federal law, specifically the Real Estate Settlement
12 Procedures Act (RESPA), 12 U.S.C. §§ 2601 et seq., and its implementing regulation,
13 Regulation X, 12 C.F.R. § 1024 et seq.
14
15

16 This Court has supplemental jurisdiction over any state-law claims pursuant to
17 28 U.S.C. § 1367(a), as they form part of the same case or controversy.
18

19 **VENUE**

20 Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), because a
21 substantial part of the events or omissions giving rise to the claims occurred in this
22 District, including the location of the subject property in Burbank, California, and
23 Defendant conducts business here.
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PARTIES

1.) Plaintiff Ed Vallejo is an individual residing at 508 North California Street, Burbank, CA 91505, and is the owner of the real property located at that address (the "Property") along with his wife and almost 90 year old parents.

2.) Defendant Federal National Mortgage Association (Fannie Mae) is a government-sponsored enterprise organized under federal law, with its principal place of business in Washington, D.C. Fannie Mae owns and/or services federally related mortgage loans, including the loan at issue in this case, and is a "servicer" within the meaning of RESPA, 12 U.S.C. § 2605(i)(2).

FACTUAL ALLEGATIONS

3.) In 2004, Plaintiff refinanced a mortgage loan on the Property, originally originated by GMAC Mortgage Corporation.

4.) In 2005, the loan was sold to Fannie Mae, which acquired ownership of the note and beneficial interest in the deed of trust.

5.) On or about 2016 an Assignment of Deed of Trust was created, purporting to reflect or transfer interests in the loan. However, pursuant to the Federal Foreclosure Bar under the Housing and Economic Recovery Act of 2008 (HERA), 12 U.S.C. § 4617(j)(3), Fannie Mae, under the conservatorship of the Federal Housing Finance Agency (FHFA), cannot assign or transfer the note and deed of trust to any third party

1 without consent, and no such consent has been given.
2

3 6.) Despite this, subsequent servicers or trustees (e.g., U.S. Bank) have
4 attempted to collect payments, initiate foreclosure proceedings, or assert standing
5 without proper authority, as Fannie Mae retains ownership.
6

7
8 7.) Plaintiff has submitted one or more Qualified Written Requests (QWRs)
9 and/or Notices of Error (NOEs) to Defendant and/or its agents, requesting information
10 about the loan's ownership, servicing history, assignments, and any alleged transfers,
11 including, but not limited to, information regarding the original signed promissory note
12 (the "note") along with all endorsements since 2004.
13

14
15 8.) Plaintiff has also sent QWRs/NOEs sent, inquiring about the validity of the
16 2016 assignments and current owner of the note.
17

18 9.) Defendant failed to acknowledge receipt of these QWRs/NOEs within 5
19 business days, as required by 12 U.S.C. § 2605(e)(1)(A) and 12 C.F.R. § 1024.36(b).
20

21 7.) Defendant further failed to provide a substantive response within 30 business
22 days (or extended period with notice), including failing to provide requested
23 documents, correct errors, or explain why information was unavailable, in violation of
24 12 U.S.C. § 2605(e)(2) and 12 C.F.R. §§ 1024.35(e), 1024.36(d).
25

26 8.) These failures in and of themselves constitute a pattern or practice of
27 noncompliance with RESPA, as evidenced by similar issues in Plaintiff's prior
28

1 litigation and broader complaints against Fannie Mae.

2 9.) As a result of Defendant's violations, Plaintiff has suffered actual damages,
3 including but not limited to: emotional distress, unnecessary fees and interest, costs of
4 repeated filings, lost time, and the ongoing threat of improper foreclosure.
5

6
7 10.) Plaintiff has also incurred attorney's fees to prepare a legal chain of title,
8 and/or pro se expenses.
9

10 **FIRST CAUSE OF ACTION**

11 **VIOLATION OF RESPA (12 U.S.C. § 2605)**

12
13 11.) Plaintiff incorporates by reference the allegations in paragraphs 1 through
14 10.

15
16 12.)The subject loan is a "federally related mortgage loan" under 12 U.S.C. §
17 2602(1). Defendant is a "servicer" of the loan under 12 U.S.C. § 2605(i)(2).
18

19 13.)Plaintiff's QWRs/NOEs constituted qualified written requests under 12
20 U.S.C. § 2605(e)(1)(B), as they were written correspondence identifying the
21 borrower's name and account, and requesting information relating to the servicing of
22 the loan or asserting errors in servicing.
23

24 14.)Defendant violated RESPA by failing to timely acknowledge and respond to
25 the QWRs/NOEs, as detailed above.
26

27 15.)These violations caused Plaintiff actual damages, and Defendant's actions
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1 reflect a pattern or practice warranting statutory damages.

2 16.)Plaintiff seeks actual damages under 12 U.S.C. § 2605(f)(1)(A), statutory
3 damages up to \$2,000 per violation under 12 U.S.C. § 2605(f)(1)(B), and reasonable
4 attorney's fees and costs under 12 U.S.C. § 2605(f)(3).
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9 **SECOND CAUSE OF ACTION**
10 **DECLARATORY RELIEF**

11 17.)Plaintiff incorporates by reference the allegations in paragraphs 1 through
12 16.

13 18.) An actual controversy exists regarding the ownership of the note and deed
14 of trust, the validity of any assignments, and Defendant's authority to service or
15 foreclose.
16

17 19.) Plaintiff seeks a declaration that Fannie Mae remains the owner of the note
18 and deed of trust pursuant to 12 U.S.C. § 4617(j)(3), that no valid assignment occurred
19 post-2016, and that any third-party actions are **invalid**.
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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- a. Actual damages in an amount to be proven at trial;
- b. Statutory damages of \$2,000 per RESPA violation;
- c. Declaratory relief as requested;
- d. Reasonable attorney's fees and costs;
- e. Such other and further relief as the Court deems just and proper.

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DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

Dated: December 24, 2025

/s/ Ed Vallejo
Ed Vallejo
5612 Lankershim Blvd.
N. Hollywood, CA. 91601
Tel: 1 (818) 415-5633
Email: Eevallejo@yahoo.com

Plaintiff in *Pro Per*

1
2 **PROOF OF SERVICE**
3

4 I certify that a copy of this motion will be served on the Honorable Clerk of the
5 Court via EDSS, for the U.S. Marshal to serve on defendant Fannie Mae via Marshal,
6 using the documents previously filed with the Court.
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8
9 Dated: December 24, 2025
10

11
12
13 Respectfully submitted,
14

15 /s/ Ed Vallejo
16 Ed Vallejo
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21 Plaintiff in Pro Per
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SERVICE LIST

Executive Vice President,
General Counsel, and
Corporate Secretary
(Authorized Agents)
1100 15th Street, NW
Washington, DC 20005

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