

United States Court of Appeals
For the Eighth Circuit

No. 15-2137

Joe L. Bailey

Plaintiff - Appellant

v.

Deutsche Bank Trust Company Americas, as Trustee for Residential Accredited Loans, Inc., Mortgage Assets-Backed Pass- Through Certificates, Series 2007-QS3 aka RALI Series 2007-QSE Trust; Wells Fargo Bank, N.A. successor by merger to Wachovia Mortgage Corporation

Defendants - Appellees

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: January 19, 2016
Filed: February 2, 2016
[Unpublished]

Before SMITH, BOWMAN, and KELLY, Circuit Judges.

PER CURIAM.

In this action challenging the non-judicial foreclosure sale of his Missouri residence, Joe Bailey appeals after the district court¹ granted a Fed. R. Civ. P. 12(b)(6) motion to dismiss his complaint. Upon careful de novo review, see Levy v. Ohl, 477 F.3d 988, 991 (8th Cir. 2007) (standard of review), we conclude that the complaint was properly dismissed, as nothing in Bailey’s complaint indicated that the challenged conduct was carried out by a party that was not the lawful holder of his promissory note. See Lackey v. Wells Fargo Bank, N.A., 747 F.3d 1033, 1037-38 (8th Cir. 2014) (discussing rights and powers of holder of promissory note under Missouri law); see also Fullington v. Pfizer, Inc., 720 F.3d 739, 747 (8th Cir. 2013) (appellate court may affirm on any basis supported by record).

Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Ortrie D. Smith, United States District Judge for the Western District of Missouri.