

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1  
Eastern Division**

Jerico Matias Cruz

Plaintiff,

v.

Case No.: 1:22-cv-02956

Honorable Jeremy C. Daniel

Discover Financial Services Inc., et al.

Defendant.

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**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Tuesday, December 19, 2023:

MINUTE entry before the Honorable Jeremy C. Daniel: The Court has reviewed Plaintiff Jerico Matias Cruz's second amended complaint (R. [56]) and the defendants' motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). (R. [58].) To survive a motion to dismiss under Rule 12(b)(6), "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, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007)). The second amended complaint does not cure any of the deficiencies identified in the Court's prior dismissal orders. In particular, the second amended complaint does not state a claim under the Equal Credit Opportunity Act, 15 § 1691 et seq., because it does not specify on what basis Mr. Cruz was discriminated against or that the defendants were aware of his protected status when they cancelled his account. Nor does Cruz plausibly allege breach or damages of the Cardmember Agreement (as required to state a claim for breach of contract under Illinois law) in light of the Cardmember Agreement's unambiguous statement that the defendants had the right to "cancel, suspend, or not renew [Mr. Cruz's] Account at any time without notice." This case has been pending for over eighteen months, and Mr. Cruz has had numerous opportunities to amend his complaint. Accordingly, the Court grants the defendants' motion and dismisses the plaintiff's claims with prejudice. Civil case terminated. Mailed notice(vcf, )

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