UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Domonique D. Thomas v. Consumer Portfolio Services

Civil No. SAG-25-2807 (D. Md. Dec. 2, 2025) · No. Civil No. SAG-25-2807 · Decided December 2, 2025

SUMMARY

The United States District Court for the District of Maryland granted Consumer Portfolio Services' motion to dismiss Domonique D. Thomas's complaint without prejudice. The court held that the complaint sought debt verification and discovery without stating a plausible claim under the Fair Debt Collection Practices Act or another legal provision, and rejected theories concerning loan securitization and alleged failure to fund the loan.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Stephanie A. Gallagher
JURISDICTION	United States District Court for the District of Maryland
DECIDED	December 2, 2025
DOCKET	Civil No. SAG-25-2807
DISPOSITION	dismissed
PROCEDURAL POSTURE	Consumer Portfolio Services removed Plaintiff's state-court action to federal court and moved to dismiss under Federal Rule of Civil Procedure 12(b)(6). The court granted the motion and dismissed the complaint without prejudice.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff's favor, disregards legal conclusions, and determines whether the complaint states a facially plausible claim for relief.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion
PARTIES	Domonique D. Thomas v. Consumer Portfolio Services

TOPICS

motions to dismiss · pleadings · fair debt collection · discovery dispute · civil procedure

PRACTICE AREAS

civil procedure | consumer protection | mortgages

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible claim for relief under the FDCPA or any other legal provision.
2. Whether a plaintiff may obtain verification or evidentiary materials from a defendant without asserting a viable underlying legal claim.

HOLDINGS

1. The complaint failed to state a claim under Federal Rule of Civil Procedure 8(a)(2) because it did not allege facts plausibly supporting an FDCPA claim or any other legal claim.
2. Thomas could not obtain discovery or evidentiary materials from CPS in the absence of a viable legal claim.

KEY QUOTATIONS

> *"Plaintiff's Complaint appears to pursue discovery in support of a potential claim without asserting facts establishing a plausible legal claim."*

> *"Because Plaintiff has not identified or stated any claim plausibly entitling her to relief, CPS's Motion to Dismiss, ECF 9, is granted and her claims are dismissed without prejudice."*

FACTUAL BACKGROUND

CPS was alleged to be the holder of a promissory note purchased as a mortgage-backed securities instrument. Thomas believed CPS might be unable to produce the original promissory note and an accounting showing that the loan had been funded. Her complaint sought verification of debt and appeared to request evidence in support of a potential FDCPA or other claim, but did not identify facts establishing a viable legal cause of action.

PROCEDURAL HISTORY

Thomas filed a state-court complaint seeking verification of debt and apparently alleging a possible violation of the Fair Debt Collection Practices Act. CPS removed the action, moved to dismiss for failure to state a claim, and filed a reply after Thomas opposed the motion. The district court concluded that the complaint sought discovery without identifying a viable legal claim and dismissed the action without prejudice; the case was closed.

DISPOSITION

dismissed

CASES CITED

- In re Birmingham, 846 F.3d 88, 92 (4th Cir. 2017)
- Goines v. Valley Community Services Board, 822 F.3d 159, 165–66 (4th Cir. 2016)

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 556, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 684 (2009)
- Willner v. Dimon, 849 F.3d 93, 112 (4th Cir. 2017)
- Johnson v. City of Shelby, 574 U.S. 10 (2014) (per curiam)
- E.I. du Pont de Nemours & Co. v. Kolon Industries, Inc., 637 F.3d 435, 440 (4th Cir. 2011)
- Semenova v. Maryland Transit Administration, 845 F.3d 564, 567 (4th Cir. 2017)
- Houck v. Substitute Trustee Services, Inc., 791 F.3d 473, 484 (4th Cir. 2015)
- Papasan v. Allain, 478 U.S. 265, 286 (1986)
- A Society Without a Name v. Virginia, 655 F.3d 342, 346 (4th Cir. 2011), cert. denied, 566 U.S. 937 (2012)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Bey v. Shapiro Brown & Alt, LLP, 997 F. Supp. 2d 310, 314 (D. Md. 2014), aff'd, 584 F. App'x 135 (4th Cir. 2014)
- Coulibaly v. J.P. Morgan Chase Bank, N.A., Civ. No. DKC-10-3517, 2011 WL 3476994, at *6 (D. Md. Aug. 8, 2011), aff'd, 526 F. App'x 255 (4th Cir. 2013)
- Brock v. Carroll, 107 F.3d 241, 242–43 (4th Cir. 1997) (Luttig, J., concurring in judgment)
- Weller v. Department of Social Services, 901 F.2d 387, 391 (4th Cir. 1990)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir. 1985)
- M.D. v. School Board of Richmond, 560 F. App'x 199, 203 n.4 (4th Cir. 2014)
- McKinney v. Towd Point Mortgage Trust Asset-Backed Securities, Series 2016-1, Civ. No. 8:22-cv-02878-PX, 2023 WL 8545224, at *3 (D. Md. Dec. 11, 2023)
- Alexander v. Bank of America, N.A., Civ. No. 17-3815, 2017 WL 4844274, at *3 (E.D. La. Oct. 26, 2017)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND * DOMONIQUE1 D. THOMAS, * * Plaintiff, * * v. * Civil No. SAG-25-2807 * CONSUMER PORTFOLIO SERVICES, * * Defendant. * * * * * * * * * * * * * * * MEMORANDUM OPINION Plaintiff Domonique D. Thomas, who is self-represented, filed this lawsuit in state court against Consumer Portfolio Services ("CPS"), seeking "verification of debt" and appearing to allege a possible violation of the Fair Debt Collection Practices Act ("FDCPA").

ECF 2. CPS removed the case to this Court, ECF 1, and has filed a motion to dismiss Plaintiff's complaint for failure to state a claim, ECF 9. Plaintiff filed an opposition, ECF 11, and CPS filed a reply, ECF 12. This Court has reviewed the briefing, and no hearing is necessary. See Loc. R. 105.6 (D. Md. 2025).

For the reasons stated herein, CPS's motion to dismiss will be GRANTED and Plaintiff's complaint will be dismissed without prejudice. I. FACTUAL BACKGROUND The following facts are derived from Plaintiff's Complaint, which is not a model of clarity. ECF 2. CPS is a note holder of a promissory note purchased as a "mortgage-backed securities instrument." Id. ¶ 2.

Plaintiff believes CPS may be unable to show its possession of the original promissory note and accounting showing funding of the loan. Id. ¶¶ 3, 5. 1 On CM/ECF, the caption spells this name as "Dominique." Plaintiff's complaint spells her first name as "Domonique." The Clerk is directed to correct the caption's spelling to "Domonique." II. LEGAL STANDARDS A defendant is permitted to test the legal sufficiency of a complaint by way of a motion to dismiss.

See, e.g., In re Birmingham, 846 F.3d 88, 92 (4th Cir. 2017); Goines v. Valley Cmty. Servs. Bd., 822 F.3d 159, 165–66 (4th Cir. 2016). A Rule 12(b)(6) motion constitutes an assertion by a defendant that, even if the facts alleged by a plaintiff are true, the complaint fails as a matter of law "to state a claim upon which relief can be granted." Fed. R. Civ.

P. 12(b)(6). Whether a complaint states a claim for relief is assessed by reference to the pleading requirements of Federal Rule of Civil Procedure 8(a)(2). That rule provides that a complaint must contain a "short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2).

The purpose of the rule is to provide the defendants with "fair notice" of the claims and the "grounds" for entitlement to relief. Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007). To survive a motion under Fed. R. Civ. P. 12(b)(6), a complaint must contain facts sufficient to "state a claim to relief that is plausible on its face." Twombly, 550 U.S. at 570; see Ashcroft v. Iqbal, 556 U.S. 662, 684 (2009) (citation omitted) ("Our decision in Twombly expounded the pleading standard for 'all civil actions'...."); see also Willner v. Dimon, 849 F.3d 93, 112 (4th Cir.

2017). But, a plaintiff need not include "detailed factual allegations" in order to satisfy Rule 8(a)(2). Twombly, 550 U.S. at 555. Moreover, federal pleading rules "do not countenance dismissal of a complaint for imperfect statement of the legal theory supporting the claim asserted." Johnson v. City of Shelby, 574 U.S. 10 (2014) (per curiam). Nevertheless, the rule demands more than bald accusations or mere speculation.

Twombly, 550 U.S. at 555; see Painter's Mill Grille, LLC v. Brown, 716 F.3d 342, 350 (4th Cir. 2013). If a complaint provides no more than "labels and conclusions" or "a formulaic recitation of the elements of a cause of action," it is insufficient. Twombly, 550 U.S. at 555. Rather, to satisfy the minimal requirements of Rule 8(a)(2), the complaint must set forth "enough factual matter (taken as true) to suggest" a cognizable cause of action, "even if... [the] actual proof of those facts is improbable and... recovery is very remote and unlikely." Id. at 556 (internal quotation marks omitted).

In reviewing a Rule 12(b)(6) motion, a court "must accept as true all of the factual allegations contained in the complaint" and must "draw all reasonable inferences [from those facts] in favor of the plaintiff." E.I. du Pont de Nemours & Co. v. Kolon Indus., Inc., 637 F.3d 435, 440 (4th Cir. 2011) (citations omitted); see Semenova v. Md. Transit Admin., 845 F.3d 564, 567 (4th Cir.

2017); Houck v. Substitute Tr. Servs., Inc., 791 F.3d 473, 484 (4th Cir. 2015). A court is not required to accept legal conclusions drawn from the facts. See Papasan v. Allain, 478 U.S. 265, 286 (1986). Ultimately, "[a] court decides whether [the pleading] standard is met by separating the legal conclusions from the factual allegations, assuming the truth of only the factual allegations, and then determining whether those allegations allow the court to reasonably infer" that the plaintiff is entitled to the legal remedy sought.

A Society Without a Name v. Virginia, 655 F.3d 342, 346 (4th. Cir. 2011), cert. denied, 566 U.S. 937 (2012). Because Plaintiff is self-represented, her pleadings are "liberally construed" and "held to less stringent standards than [those filed] by lawyers." Erickson v. Pardus, 551 U.S. 89, 94 (2007) (quoting Estelle v. Gamble, 429 U.S. 97, 106 (1976)). "However, liberal construction does not absolve Plaintiff from pleading a plausible claim." Bey v. Shapiro Brown & Alt, LLP, 997 F. Supp. 2d 310, 314 (D.

Md. 2014), aff'd, 584 F. App'x 135 (4th Cir. 2014); see also Coulibaly v. J.P. Morgan Chase Bank, N.A., Civ. No. DKC-10-3517, 2011 WL 3476994, at *6 (D. Md. Aug. 8, 2011) ("[E]ven when pro se litigants are involved, the court cannot ignore a clear failure to allege facts that support a viable claim."), aff'd, 526 F. App'x 255 (4th Cir. 2013).

Moreover, a federal court may not act as an advocate for a self-represented litigant. See Brock v. Carroll, 107 F.3d 241, 242–43 (4th Cir. 1997) (Luttig, J., concurring in judgment); Weller v. Dep't of Soc. Servs., 901 F.2d 387, 391 (4th Cir. 1990).

Therefore, the court cannot "conjure up questions never squarely presented," or fashion claims for a self-represented plaintiff. Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir. 1985); see also M.D. v. Sch. Bd. of Richmond, 560 F. App'x 199, 203 n.4 (4th Cir. 2014) (rejecting self-represented plaintiff's argument that district court erred in failing to consider an Equal Protection claim, because plaintiff failed to allege it in the complaint).

III. ANALYSIS Plaintiff's Complaint appears to pursue discovery in support of a potential claim without asserting facts establishing a plausible legal claim. The relief sought is "verification of debt," and the items requested consist of evidence. But Plaintiff cites to no legal mechanism allowing her to request evidence from CPS in the absence of a viable legal claim.

Thus, she has not provided a "short and plain statement of the claim showing that the pleader is entitled to relief." In addition, Plaintiff does not allege facts that might support a claim under the FDCPA or any other statute or legal provision.

Finally, Plaintiff's Complaint appears to assert (or express an intent to collect evidence to assert) various legal theories that have been deemed meritless by a variety of courts. See, e.g., McKinney v. Towd Point Mortg. Tr. Asset-Backed Sec., Series 2016-1, Civ. No. 8:22-cv-02878-PX, 2023 WL 8545224, at *3 (D. Md. Dec. 11, 2023) (concluding that securitization of a loan is not fraudulent and does not "give rise to a cause of action"); Alexander v. Bank of America, N.A., Civ No. 17-3815, 2017 WL 4844274, at *3 (E.D.

La. Oct. 26, 2017) (collecting cases rejecting the "vapor money" claim that a loan is invalid if the bank did not actually fund the loan). Because Plaintiff has not identified or stated any claim plausibly entitling her to relief, CPS's Motion to Dismiss, ECF 9, is granted and her claims are dismissed without prejudice. This case will be closed. A separate Order follows.

Dated: December 2, 2025 /s/ Stephanie A. Gallagher United States District Judge