

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
NORTH CAROLINA, CHARLOTTE DIVISION

Chanel Hunte v. American Express Company

Hunte · No. 3:25-CV-00999-KDB-DCK · Decided March 31, 2026

SUMMARY

The United States District Court for the Western District of North Carolina denies Chanel Hunte’s motion to remand her action against American Express Company. The court holds that the complaint expressly alleges violations of the Fair Credit Reporting Act and that the state unfair-and-deceptive-trade-practices claim depends on the lawfulness of the defendant’s credit reporting, establishing federal-question jurisdiction. The case is ordered to proceed toward a ruling on the merits.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                             |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of North Carolina, Charlotte Division                                                                                                                                                                 |
| WRITING FOR THE COURT | Kenneth D. Bell                                                                                                                                                                                                                                             |
| JURISDICTION          | United States District Court for the Western District of North Carolina, Charlotte Division                                                                                                                                                                 |
| DECIDED               | March 31, 2026                                                                                                                                                                                                                                              |
| DOCKET                | 3:25-CV-00999-KDB-DCK                                                                                                                                                                                                                                       |
| DISPOSITION           | other                                                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | Plaintiff moved to remand an action removed from North Carolina state court on the ground that federal subject matter jurisdiction was lacking. The district court denied the motion to remand.                                                             |
| STANDARD OF REVIEW    | The removing party bears the burden of establishing federal subject matter jurisdiction. Remand is required if federal jurisdiction is doubtful or absent, and federal-question jurisdiction is generally determined under the well-pleaded-complaint rule. |
| PRECEDENTIAL VALUE    | unpublished district court memorandum and order; persuasive authority only                                                                                                                                                                                  |

TOPICS

- subject matter jurisdiction
- civil procedure
- credit reporting
- deceptive trade practices
- consumer protection

## PRACTICE AREAS

civil procedure

federal jurisdiction

consumer credit reporting

consumer protection

## QUESTIONS PRESENTED

1. Whether the complaint's express FCRA allegations established federal-question jurisdiction under 28 U.S.C. § 1331 and permitted removal under 28 U.S.C. § 1441.
2. Whether the plaintiff's North Carolina unfair-and-deceptive-trade-practices claim depended on resolution of a substantial federal question concerning the lawfulness of American Express's credit reporting.

## HOLDINGS

1. Removal was proper because the well-pleaded complaint expressly alleged that American Express violated the Fair Credit Reporting Act, presenting a federal question on the face of the complaint.
2. The court had jurisdiction because the plaintiff's North Carolina unfair-and-deceptive-trade-practices claim turned on whether American Express's credit reporting violated federal law; related state and federal claims may also fall within supplemental jurisdiction when they derive from a common nucleus of operative fact.

## KEY QUOTATIONS

*“federal jurisdiction exists only when a federal question is presented on the face of the plaintiff's properly pleaded complaint.”*

*“This Court has subject matter jurisdiction under 28 U.S.C. § 133, and removal was proper.”*

## FACTUAL BACKGROUND

Hunte's state-court complaint challenged American Express's furnishing of credit information to consumer reporting agencies. The complaint expressly alleged violations of the Fair Credit Reporting Act, including alleged violations concerning the accuracy of furnished information and willful noncompliance, and alleged that the same conduct violated North Carolina's unfair-and-deceptive-trade-practices statute. The complaint's exhibits also referenced the FCRA.

## PROCEDURAL HISTORY

Chanel Hunte filed a complaint in the Superior Court of Mecklenburg County, North Carolina, alleging that American Express violated the Fair Credit Reporting Act and that the same conduct constituted an unfair or deceptive trade practice under North Carolina law. American Express timely removed the action based on federal-question jurisdiction under 28 U.S.C. § 1331 and filed an answer and affirmative defenses. Hunte then moved to remand, arguing that the FCRA references were merely background standards rather than federal claims; the district court denied remand and directed that the case proceed on the merits.

## DISPOSITION

other

## REMAND INSTRUCTIONS

The motion to remand was denied, and the case was ordered to proceed toward a ruling on the merits absent voluntary resolution by the parties.

## CASES CITED

- Hoschar v. Appalachian Power Co., 739 F.3d 163, 169 (4th Cir. 2014)
- Mulcahey v. Columbia Organic Chemicals Co., 29 F.3d 148, 151 (4th Cir. 1994)
- Childers v. Chesapeake & Tel. Co., 881 F.2d 1259, 1261 (4th Cir. 1989)
- Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987)
- Interstate Petroleum Corp. v. Morgan, 249 F.3d 215, 219 (4th Cir. 2001)
- United Mine Workers of Am. v. Gibbs, 383 U.S. 715, 725 (1996)
- Hartman v. Univ. of Maryland at Baltimore, 595 F. App'x 179, 180 (4th Cir. 2014)
- Carnegie-Mellon v. Cohill, 484 U.S. 343, 357 (1988)
- Kennedy v. Navy Fed. Credit Union, No. 3:25-CV-779-KDB-DCK, 2025 WL 3760591, at \*1–2 (W.D.N.C. Nov. 24, 2025)

## OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO. 3:25-CV-00999-KDB-DCK CHANEL HUNTE, Plaintiff, v. MEMORANDUM AND ORDER AMERICAN EXPRESS COMPANY, Defendant. THIS MATTER is before the Court on Plaintiff's Motion to Remand (Doc. No. 5).

The Court has carefully considered this motion, the parties' briefs and the pleadings and other relevant documents. Because Plaintiff's Complaint included a claim under the Fair Credit Reporting Act (FCRA), this action was properly removed, and the Court will DENY the motion.

I. LEGAL STANDARD The party seeking removal bears the burden of establishing federal subject matter jurisdiction. Hoschar v. Appalachian Power Co., 739 F.3d 163, 169 (4th Cir. 2014). A case may only be removed if the federal courts would have had original jurisdiction over any claim. See 28 U.S.C. § 1441. And "if federal jurisdiction is doubtful, a remand is necessary." Mulcahey v. Columbia Organic Chemicals Co., Inc., 29 F.3d 148, 151 (4th Cir.

1994). When the basis for federal jurisdiction is the presence of a federal question, 28 U.S.C. § 1331 governs. And it is established law that whether federal jurisdiction exists "is generally determined by the 'well-pleaded complaint' rule," Childers v. Chesapeake & Tel. Co., 881 F.2d 1259, 1261 (4th Cir. 1989), which provides that "federal jurisdiction exists only when a federal

question is presented on the face of the plaintiff's properly pleaded complaint.” *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987).

Put simply, a federal court has “jurisdiction to hear only those cases in which a well-pleaded complaint establishes either that federal law creates the cause of action or that the plaintiff’s right to relief necessarily depends on resolution of a substantial question of federal law.” *Interstate Petroleum Corp. v. Morgan*, 249 F.3d 215, 219 (4th Cir.2001) (internal quotation marks and citations omitted).

However, in any case removed from state court, “[i]f at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.” 28 U.S.C. § 1447(c). In cases where a federal district court has original jurisdiction over at least one claim, the court shall also “have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.” 28 U.S.C. § 1367(a).

Two or more claims (state and federal) form part of the same case or controversy for supplemental jurisdiction purposes where they “derive from a common nucleus of operative fact” and “would ordinarily be expected to [be tried] in one judicial proceeding.” *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 725 (1996). District courts retain “discretion as to whether to remand a case to state court,” a decision which “involves consideration of ‘principles of economy, fairness, convenience and comity.’” *Hartman v. Univ. of Maryland at Baltimore*, 595 F.App’x 179, 180 (4th Cir.

2014) (quoting *Carnegie-Mellon v. Cohill*, 484 U.S. 343, 357 (1988)). See *Kennedy v. Navy Fed. Credit Union*, No. 3:25-CV-779-KDB-DCK, 2025 WL 3760591, at \*1–2 (W.D.N.C. Nov. 24, 2025), report and recommendation adopted, No. 3:25-CV-00779-KDB-DCK, 2025 WL 3759012 (W.D.N.C. Dec. 29, 2025). II. FACTS AND PROCEDURAL HISTORY On October 20, 2025, Pro se Plaintiff Chanel Hunte filed her Complaint in the Superior Court of Mecklenburg County, North Carolina, challenging Defendant American Express’ (“AMEX”) credit reporting.

(Doc. No. 1-1.) With respect to federal law, the Complaint alleges that AMEX “has engaged in the furnishing of information to consumer reporting agencies (‘CRAs’) that in law, have no authority, in violation of 15 U.S.C. § 1681(A)(3)(D).” (Id. ¶ 6.)

The Complaint alleges also that AMEX “violated 15 U.S.C. § 1681s-2(a)(1)(A), which requires furnishers of information to provide information with maximum possible accuracy.” (Id. ¶ 7.) Finally, the Complaint alleges AMEX’s “conduct also constitutes violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681s-2(a)(1)(A), including willful noncompliance under 15 U.S.C. § 1681n.” (Id. ¶ 18.)

The Complaint annexes multiple exhibits that expressly reference the FCRA as well as letters and other statements by Plaintiff alleging that AMEX violated the FCRA. With respect to state law, Plaintiff alleges that AMEX's conduct in violation of the FCRA "constitutes unfair and deceptive trade practices under N.C. Gen. Stat. § 75-1.1." (Id. ¶ 16.)

On December 17, 2025, AMEX timely removed the case to this Court based on federal question jurisdiction under 28 U.S.C. § 1331, and on December 24, 2025, it filed its Answer and Affirmative Defenses to the Complaint. (Doc. Nos. 1, 3.)

On February 13, 2025, Plaintiff filed a Motion to Remand, claiming that "removal was improper and federal jurisdiction is lacking." With respect to the allegations of the Complaint related to violations of the FCRA, the Motion asserts that "[r]eferences to federal statutes appear only as background standards of conduct and do not transform the claims into federal causes of action." The motion has been fully briefed and is ripe for the Court's ruling.

II. DISCUSSION As discussed above, the issue before the Court is whether Plaintiff's "well-pleaded complaint" establishes either that federal law creates the cause of action or that the plaintiff's right to relief necessarily depends on resolution of a substantial question of federal law. It plainly does. While Plaintiff urges the Court to find that the many references to the FCRA in the Complaint are only for "background," the Complaint clearly alleges that AMEX both violated the FCRA and that same alleged wrongful conduct constitutes an unfair or deceptive trade practice under North Carolina law.

See Doc. No. 1-1 at J§ 16, 18. Therefore, the Complaint asserts a violation of federal law and the determination of Plaintiff's state law claim turns on the lawfulness of AMEX's credit reporting under federal law. Accordingly, this Court has subject matter jurisdiction under 28 U.S.C. § 133, and removal was proper. Plaintiff's Motion for Remand must be denied.

IV. ORDER NOW THEREFORE IT IS ORDERED THAT: 1. Plaintiffs Motion to Remand (Doc. No. 5) is DENIED; and 2. This case shall proceed towards a ruling on the merits on Plaintiff's claims in the absence of a voluntary resolution of the dispute among the parties. SO ORDERED ADJUDGED AND DECREED. Signed: March 31, 2026 Kenneth D. Bell United States District Judge woe