UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

Brunell P. St. Pierre v. Aidvantage Office of the Customer Advocate

St. Pierre · No. 4:25-cv-12014 · Decided January 15, 2026

SUMMARY

The United States District Court for the District of Massachusetts addresses Plaintiff's motion to remand an action removed from Massachusetts small claims court. The Court concludes that the pleaded claim arises under the federal Fair Credit Reporting Act and permits Plaintiff to voluntarily dismiss the action with prejudice by January 29, 2026, if he wishes to refile a state-law claim in state court.

CASE DETAILS

COURT	United States District Court for the District of Massachusetts
WRITING FOR THE COURT	Margaret R. Guzman
JURISDICTION	United States District Court for the District of Massachusetts
DECIDED	January 15, 2026
DOCKET	4:25-cv-12014
DISPOSITION	other
PROCEDURAL POSTURE	Defendant removed the action from a Massachusetts small claims court based on a claim under the Fair Credit Reporting Act. Plaintiff moved to remand, asserting that the action arose under Massachusetts consumer protection law.
PRECEDENTIAL VALUE	Unknown; district-court show cause order with no reporter citation

TOPICS

subject matter jurisdiction · credit reporting · motions to dismiss · civil procedure

PRACTICE AREAS

civil procedure · consumer protection · consumer credit · federal jurisdiction

QUESTIONS PRESENTED

1. Whether the action should be remanded to Massachusetts state court because Plaintiff characterized his claims as arising under state consumer protection law.
2. Whether Plaintiff could voluntarily dismiss the removed action under Federal Rule of Civil Procedure 41(a)(1)(A)(i) before Defendant served an answer or a motion for summary judgment.
3. Whether Plaintiff's withdrawal of the sole federal claim would require dismissal with prejudice in this action.

HOLDINGS

1. Remand would not be granted on the basis of an alleged state-law violation because Plaintiff's small-claims filing alleged only a claim arising under the federal Fair Credit Reporting Act.
2. A plaintiff may voluntarily dismiss a removed action by notice under Federal Rule of Civil Procedure 41(a)(1)(A)(i) before the opposing party serves an answer or a motion for summary judgment, notwithstanding removal to federal court.
3. If Plaintiff elects to withdraw the sole FCRA claim in this action, the court will permit voluntary dismissal only with prejudice.

KEY QUOTATIONS

> *“A plaintiff may file a notice of voluntary dismissal under Rule 41(a)(1)(A) even after the defendant has removed a case to federal court.”* (Opinion text)

> *“Your case included only one claim that stems from a federal law, the Fair Credit Reporting Act or “FCRA.””* (Opinion text)

FACTUAL BACKGROUND

Plaintiff's Massachusetts small-claims filing alleged a claim arising under the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. Defendant removed the action to federal court, and Plaintiff moved to remand, characterizing the claims as arising under Massachusetts consumer protection law. Plaintiff also indicated that he might withdraw the FCRA claim and refile a state-law action.

PROCEDURAL HISTORY

Plaintiff filed a small claim in Massachusetts state court. Defendant removed the action to the United States District Court for the District of Massachusetts on July 17, 2025. Plaintiff moved to remand. The district court issued a show cause order explaining why remand would not be granted on the asserted state-law basis and providing instructions concerning voluntary dismissal and possible refiling in state court.

DISPOSITION

other

REMAND INSTRUCTIONS

The court did not remand the action. Plaintiff was ordered, if he chose to voluntarily dismiss the action with prejudice, to file a notice of voluntary dismissal with prejudice by January 29, 2026. Defendant was ordered not to moot its pending motion to dismiss by moving for summary judgment while Plaintiff considered his options.

CASES CITED

- Stoller v. Anderson, No. 23-CV-984, 2023 WL 9051311, at *3 (E.D. Wis. Dec. 29, 2023)
- Grivas v. Parmlee Transp. Co., 207 F.2d 334, 337-38 (7th Cir. 1953)
- Van Leeuwen v. Bank of Am., N.A., 304 F.R.D. 691, 692-93 (D. Utah 2015)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS) BRUNELL P. ST. PIERRE,)) Plaintiff,)) v.) Civil No. 4:25-cv-12014) AIDVANTAGE OFFICE OF THE) CUSTOMER ADVOCATE,)) Defendant.)) SHOW CAUSE ORDER GUZMAN, J. The Court issues the following show cause order regarding Plaintiff's Motion to Remand. [ECF No. 13]. Defendant removed this action from a Massachusetts small claims court on July 17, 2025.

[ECF No. 1]. Thereafter, Plaintiff moved to remand to small claims court. [ECF Nos. 12– 13]. In support of his Motion to Remand, Plaintiff alleges that his “claims were brought under Massachusetts consumer protection laws” and his “complaint does not arise under federal law....” [ECF No. 13 at 1].

The Court disagrees. Plaintiff's Statement of Small Claim and Notice in small claims court only alleges a claim arising under a federal law—the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681 et seq. [ECF No. 1-1 at 6].

Therefore, the Court will not be remanding on the basis of an alleged state law violation. If Plaintiff wishes to dismiss this action and re-file an action in a state court alleging a state law violation, he may do so by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). “A plaintiff may file a notice of voluntary dismissal under Rule 41(a)(1)(A) even after the defendant has removed a case to federal court.” Stoller v. Anderson, No. 23-CV-984, 2023 WL 9051311, at *3 (E.D.

Wis. Dec. 29, 2023) (citing Grivas v. Parmlee Transp. Co., 207 F.2d 334, 337-38 (7th Cir. 1953)). Additionally, “if a defendant files a motion to dismiss rather than an answer or a motion for summary judgment, then a plaintiff retains the right to dismiss the case unilaterally under Rule 41(a)(1)(A)(i) despite the responsive briefing.” Van Leeuwen v. Bank of Am., N.A., 304 F.R.D.

691, 692–93 (D. Utah 2015). Defendant is ORDERED to abstain from mooting out its pending Motion to Dismiss [ECF No. 41] by moving for summary judgment pending Plaintiff's decision below. Plain Language Summary for Pro Se Plaintiff Because Plaintiff is pro se, the Court provides the following summary in plain language: Your case included only one claim that stems from a federal law, the Fair Credit Reporting Act or "FCRA." The Defendant was able to remove your case to federal court because the federal claim brought in small claims court gives this Court jurisdiction over your case.

You did not file any other claims besides the federal law claim under the FCRA. In one of your motions, you mentioned you would withdraw your FCRA claim so your case can return or be "remanded" to state court. [See Plaintiff's Motion to Remand for Lack of Subject Matter Jurisdiction and Procedural Defect, ECF No. 34 at 1 ("... in light of Plaintiff's contemporaneously-filed notice of intent to withdraw the lone federal claim...")].

Because you only have one claim, if you were to withdraw the claim, you would essentially be dismissing your own case. You may do this if you wish to end your federal case and re-file in state court under only a state law claim. You would have to bring a new case in state court.

However, if you decide you want to withdraw your federal claim in this Court, the Court will only allow you do to so if you voluntarily dismiss the claim with prejudice. This means that once the claim is dismissed, you cannot bring it again against the same defendant in federal court. CONCLUSION Should Plaintiff choose to voluntarily dismiss this action with prejudice, he is hereby ORDERED to file a notice for voluntary dismissal with prejudice by January 29, 2026.

SO ORDERED. Dated: January 15, 2026 /s/ Margaret R. Guzman Margaret R. Guzman United States District Judge