

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

PHH Mortgage Corporation v. Erick Silva a/k/a Erick A. Silva,
"John Doe #1" through "John Doe #12"

Silva · No. 2:25-cv-6184 (NJC) (JMW) · Decided February 25, 2026

SUMMARY

The United States District Court for the Eastern District of New York directs PHH Mortgage Corporation to show cause why its foreclosure action should not be dismissed without prejudice for lack of subject matter jurisdiction. The order concludes that the complaint adequately alleges the amount in controversy and the plaintiff's citizenship but fails to adequately establish the citizenship or domicile of the individual and fictitious defendants for purposes of complete diversity.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Nusrat J. Choudhury
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	February 25, 2026
DOCKET	2:25-cv-6184 (NJC) (JMW)
DISPOSITION	other
PROCEDURAL POSTURE	The district court sua sponte reviewed the complaint and issued an order directing the plaintiff to show cause why the action should not be dismissed without prejudice for failure to establish complete diversity jurisdiction.
STANDARD OF REVIEW	The court independently determines whether subject matter jurisdiction exists and may raise jurisdictional defects sua sponte at any time. The party invoking federal jurisdiction bears the burden of establishing it.
PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value

TOPICS

- subject matter jurisdiction
- pleadings
- civil procedure
- foreclosure
- mortgages

PRACTICE AREAS

civil procedure

real estate

mortgage foreclosure

QUESTIONS PRESENTED

1. Whether the complaint adequately established complete diversity of citizenship under 28 U.S.C. § 1332(a).
2. Whether allegations based solely on a defendant's residence establish that individual's citizenship for diversity-jurisdiction purposes.
3. Whether allegations made upon information and belief adequately establish the citizenship of defendants, including fictitious defendants.
4. Whether the complaint plausibly established the amount-in-controversy requirement.

HOLDINGS

1. A federal district court has an independent obligation to determine whether subject matter jurisdiction exists and may raise a jurisdictional defect sua sponte at any time.
2. The complaint did not adequately establish complete diversity because it pleaded the citizenship of the defendants upon information and belief, alleged Silva's citizenship based only on residence rather than domicile, and provided no citizenship allegations for the fictitious defendants.
3. The complaint adequately alleged an amount in controversy exceeding \$75,000 by alleging that defendants owed \$271,025.37 under the note and mortgage.

KEY QUOTATIONS

“The Court has reviewed Plaintiff’s Complaint (ECF No. 1) and has determined that Plaintiff has failed to establish whether this Court possesses diversity jurisdiction pursuant to 28 U.S.C. § 1332(a).”

“For the reasons set forth below, Plaintiff is directed to show cause by March 11, 2026, in writing, with all material facts established by sworn affidavit, why this Court should not dismiss this action for lack of subject matter jurisdiction, without prejudice to refiling in the proper forum.”

“If Plaintiff does not respond by March 11, 2026, or if its response does not show that the Court has subject matter jurisdiction over this action, the Complaint will be dismissed for lack of subject matter jurisdiction.”

FACTUAL BACKGROUND

PHH Mortgage alleged that defendants owed \$271,025.37 under a note and mortgage concerning property being foreclosed. The complaint alleged that PHH Mortgage was organized under New Jersey law and had its principal place of business in New Jersey. It alleged that Erick Silva was a resident and citizen of New York based on his address, but did not allege facts establishing his domicile, and it pleaded the citizenship of the remaining defendants only upon information and belief.

PROCEDURAL HISTORY

PHH Mortgage Corporation filed a mortgage-related action invoking diversity jurisdiction under 28 U.S.C. § 1332(a). Upon reviewing the complaint, the court found that the allegations did not adequately establish the citizenship or domicile of defendant Erick Silva or the citizenship of the fictitious defendants. The court ordered PHH Mortgage to submit a sworn written response by March 11, 2026, warning that the action would be dismissed without prejudice if jurisdiction was not established.

DISPOSITION

other

CASES CITED

- Joseph v. Leavitt, 465 F.3d 87, 89 (2d Cir. 2006)
- Lyndonville Sav. Bank & Tr. Co. v. Lussier, 211 F.3d 697, 700 (2d Cir. 2000)
- Doe v. McDonald, 128 F.4th 379, 384 (2d Cir. 2025)
- Platinum-Montaur Life Scis., LLC v. Navidea Biopharms., Inc., 943 F.3d 613, 617-18 (2d Cir. 2019)
- Bayerische Landesbank v. Aladdin Cap. Mgmt. LLC, 692 F.3d 42, 48 (2d Cir. 2012)
- Van Buskirk v. United Grp. of Cos., Inc., 935 F.3d 49, 53-54 (2d Cir. 2019)
- RainMakers Partners LLC v. NewSpring Cap., LLC, No. 23-cv-899, 2024 WL 1846321, at *2 n.1 (2d Cir. Apr. 29, 2024)
- Lever v. Lyons, No. 16-cv-5130, 2021 WL 302648, at *7 (E.D.N.Y. Jan. 28, 2021)
- Lawrence Moskowitz CLU Ltd. v. ALP, Inc., 830 F. App'x 50, 51 (2d Cir. 2020)
- Snyder Corp. v. Fitness Ridge Worldwide, LLC, No. 18-cv-351, 2018 WL 1428254, at *2 (W.D.N.Y. Mar. 22, 2018)
- Entead v. Hi-Power Cycles, LLC, 2016 U.S. Dist. LEXIS 28880, at *2 (D.N.J. 2016)
- Pyskaty v. Wide World of Cars, LLC, 856 F.3d 216, 223 (2d Cir. 2017)
- Wood v. Maguire Automotive, LLC, 508 F. App'x 65, 65 (2d Cir. 2013)