

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

Ann Banda & Amin Devon Jones v. David Tang, et al.

No. Civil Action No. 4:24-CV-1930-AM, United States District Court for the Southern District of Texas (March 17, 2026)

SUMMARY

The court denies the plaintiffs’ requests for a temporary restraining order and preliminary injunctive relief, approves and adopts the bankruptcy judge’s report and recommendation, and denies withdrawal of the bankruptcy reference. The court concludes that the motion was untimely because the underlying bankruptcy case had been closed and that the asserted statutory and constitutional claims did not establish valid causes of action. The civil action is dismissed.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas
WRITING FOR THE COURT	Alia Moses
JURISDICTION	United States District Court for the Southern District of Texas
DECIDED	March 17, 2026
DOCKET	Civil Action No. 4:24-CV-1930-AM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff Ann Banda moved to withdraw the reference of her closed Chapter 7 bankruptcy case from the bankruptcy court. The bankruptcy judge issued a report and recommendation, and Plaintiffs filed a First Amended Complaint and Renewed Motion seeking withdrawal of the reference and emergency injunctive relief. The district court denied injunctive relief, approved and adopted the report and recommendation, denied withdrawal of the reference, and dismissed the civil action.
STANDARD OF REVIEW	A temporary restraining order is reviewed under the four-factor preliminary-injunction test, and the decision to grant such relief lies within the district court's sound discretion. A motion to withdraw the bankruptcy reference is governed by 28 U.S.C. § 157(d) and must be timely; the moving party bears the burden of showing cause or satisfying the requirements for mandatory withdrawal.

PRECEDENTIAL VALUE	Unknown; district court order with no reported citation
PARTIES	Ann Banda, Amin Devon Jones v. David Tang, David R. Jones, Elizabeth C. Freeman, et al.

TOPICS

bankruptcy injunctions appellate jurisdiction appellate procedure civil procedure

PRACTICE AREAS

Bankruptcy Civil procedure Appellate procedure Injunctive relief

QUESTIONS PRESENTED

1. Whether Plaintiffs were entitled to a temporary restraining order or preliminary injunctive relief.
2. Whether Banda's motion to withdraw the reference was timely after the Chapter 7 case had been dismissed and closed.
3. Whether mandatory withdrawal of the reference was required because the asserted claims allegedly required substantial and material consideration of non-bankruptcy federal law.
4. Whether the amended pleading stated valid causes of action supporting continuation of the civil action.

HOLDINGS

1. Injunctive relief was unavailable because Plaintiffs could not establish a substantial likelihood of success on the merits; failure to satisfy any one of the four prerequisites precludes issuance of a temporary restraining order.
2. A motion to withdraw the reference is untimely when filed after the underlying bankruptcy case has been finally disposed of and closed; thereafter, the district court proceeds, if at all, under its appellate jurisdiction.
3. Mandatory withdrawal was not required because Plaintiffs' asserted claims did not have merit and did not require substantial and material consideration of non-bankruptcy federal law.
4. The civil action was dismissed because Plaintiffs had no valid causes of action remaining.

KEY QUOTATIONS

“The movant must clearly establish: (1) a substantial likelihood of success on the merits; (2) a substantial threat that the movant will suffer irreparable injury if the [TRO] is denied; (3) that the threatened injury outweighs any damage that the [TRO] might cause the defendant; and (4) that the [TRO] will not disserve the public interest.” (Section II.A)

“Mandatory withdrawal is interpreted “restrictively,” and is usually considered by a court when a claim or defense requires “material and substantial consideration of non-Bankruptcy Code federal law.”” (Section II.C)

FACTUAL BACKGROUND

Ann Banda filed a voluntary Chapter 7 bankruptcy case in the Southern District of Texas and later obtained its dismissal at her own request. The bankruptcy court entered a final decree closing the case on October 27, 2023. Banda did not move to withdraw the reference until May 15, 2024, nearly seven months after closure. Plaintiffs then filed an amended pleading asserting numerous federal statutory and constitutional claims and seeking injunctive relief, but the court found that the claims lacked valid factual or legal bases.

PROCEDURAL HISTORY

Banda filed a voluntary Chapter 7 bankruptcy case on June 5, 2023, later moved to dismiss it voluntarily, and the bankruptcy court dismissed the case on September 25, 2023. The final decree closing the case was entered on October 27, 2023. Banda moved to withdraw the reference on May 15, 2024, after the case had been dismissed and closed. The bankruptcy judge recommended that the motion be referred to the district court, which considered the motion together with Plaintiffs' amended pleading and renewed motion, denied all requested relief, and dismissed the civil action.

DISPOSITION

dismissed

CASES CITED

- Greer's Ranch Café v. Guzman, 540 F. Supp. 3d 638, 644–45 (N.D. Tex. 2021)
- Hassani v. Napolitano, No. 09-CV-1201, 2009 WL 2044596, at *1 (N.D. Tex. 2009)
- Albright v. City of New Orleans, 46 F. Supp. 2d 523, 532 (E.D. La. 1999)
- Jackson Women's Health Org. v. Currier, 760 F.3d 448, 452 (5th Cir. 2014)
- Enter. Int'l, Inc. v. Corporacion Estatal Petrolera Ecuatoriana, 762 F.2d 464, 472 (5th Cir. 1985)
- Rockwell v. Delaney, No. 19-CV-00102, 2019 WL 2745754, at *2 (W.D. Tex. Apr. 16, 2019)
- Miss. Power & Light Co. v. United Gas Pipe Line Co., 760 F.2d 618, 621 (5th Cir. 1985)
- Grigg v. Chaney, No. 13-292, 2014 WL 5823108, at *6 (W.D. Pa. Nov. 10, 2014)
- In re Pruitt, 910 F.2d 1160, 1168 (3d Cir. 1990)
- Carlton v. Baww, Inc., 751 F.2d 781, 788 n.10 (5th Cir. 1985)
- In the Matter of Powelson, 878 F.2d 976, 983 (7th Cir. 1989)
- Levine v. M&A Custom Home Builder & Dev., LLC, 400 B.R. 200, 203 (S.D. Tex. 2008)
- In re Morrison, 409 B.R. 384, 389 (S.D. Tex. 2009)
- In re McHenry, No. 23-00255, 2024 WL 5205055, at *2 (M.D. Pa. 2024)
- Feldman v. ABN AMBRO Mortg. Grp., Inc., No. 19-MC-131, 2020 WL 618604, at *7 (E.D. Pa. 2020)

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