UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS

Kimberly Banfield Foreman v. Bank of America, N.A., et al.

Foreman · No. 6:25-cv-00280 · Decided December 17, 2025

SUMMARY

The United States District Court for the Eastern District of Texas adopted a magistrate judge's recommendation and granted Bank of America's motion to dismiss. The court held that the plaintiff failed to identify a statutory basis for equitable relief and lacked standing to challenge the securitization of her mortgage. The action was dismissed with prejudice, and pending motions were denied as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas
JURISDICTION	United States District Court for the Eastern District of Texas
DECIDED	December 17, 2025
DOCKET	6:25-cv-00280
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed an action seeking equitable relief concerning the securitization of her mortgage. After the case was referred to a magistrate judge, Bank of America moved to dismiss. The magistrate judge recommended dismissal for failure to state a claim, and plaintiff objected by seeking voluntary dismissal without prejudice for lack of subject-matter jurisdiction.
STANDARD OF REVIEW	De novo review of the objected-to portions of the magistrate judge's report and recommendation under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b)(3).
PRECEDENTIAL VALUE	Unpublished federal district court order; precedential status not specified.

TOPICS

motions to dismiss · standing · subject matter jurisdiction · mortgages · equitable relief

PRACTICE AREAS

civil procedure · real estate · remedies

QUESTIONS PRESENTED

1. Whether the complaint stated a claim where plaintiff sought equitable relief concerning mortgage securitization without identifying a statutory basis for the requested relief.
2. Whether plaintiff alleged facts establishing standing to challenge the securitization of her mortgage.
3. Whether the action should be dismissed for lack of subject-matter jurisdiction based on plaintiff's assertion that she preferred to proceed in state court.
4. Whether the action should be dismissed with prejudice under the magistrate judge's recommendation.

HOLDINGS

1. The complaint failed to state a claim because plaintiff did not identify a statutory basis for the requested relief and instead asserted an unrecognized entitlement to equitable relief.
2. Plaintiff failed to allege facts showing that she had standing to challenge the securitization of her mortgage.
3. Dismissal for lack of subject-matter jurisdiction was not appropriate because plaintiff did not show that the parties were citizens of the same state or that the amount in controversy was deficient.
4. The court granted Bank of America's motion to dismiss and dismissed the action with prejudice.

KEY QUOTATIONS

> *"A complaint must contain "a short and plain statement of the claim showing that the pleader is entitled to relief.""* (at 1)

> *"As such, dismissal for lack of jurisdiction is not appropriate."* (at 2)

> *"The court grants defendant's motion to dismiss (Doc. 6) and dismisses this action with prejudice."* (at 2)

FACTUAL BACKGROUND

Plaintiff challenged the securitization of her mortgage and sought equitable relief, but did not identify a statutory basis for the requested relief. The complaint also did not allege facts showing that plaintiff had standing to challenge the securitization or assignment of the mortgage. Plaintiff later stated that she preferred to proceed in state court but did not allege facts showing a lack of federal subject-matter jurisdiction.

PROCEDURAL HISTORY

The magistrate judge recommended granting Bank of America's motion to dismiss because the complaint identified no statutory basis for relief and failed to allege facts establishing standing. The district court construed plaintiff's motion to dismiss without prejudice as an objection to the report and recommendation, reviewed the objections de novo, accepted the report, granted the motion to dismiss, and dismissed the action with prejudice.

DISPOSITION

dismissed

CASES CITED

- Sigaran v. U.S. Bank National Association, 560 F. App'x 410, 413 (5th Cir. 2014) (per curiam) (unpublished)
- Lewis v. Lynn, 236 F.3d 766, 768 (5th Cir. 2001) (per curiam)

INSTRUCTIONS FOR AN AI ASSISTANT