

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION

Joe Hunsinger v. Valor Intelligent Processing, et al.

Hunsinger · No. 3:25-cv-1880-X-BT · Decided January 13, 2026

SUMMARY

The United States Magistrate Judge recommends granting United States Fire Insurance Company’s Rule 12(b)(6) motion to dismiss in Joe Hunsinger’s action involving alleged violations of federal and Texas debt-collection laws. The recommendation concludes that the complaint contains no factual allegations establishing a plausible claim against the surety, but recommends allowing Hunsinger to amend his complaint within the objection period.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the Northern District of Texas, Dallas Division                                                                                                                                                                                                                                                                                                  |
| JURISDICTION       | United States District Court for the Northern District of Texas, Dallas Division                                                                                                                                                                                                                                                                                                  |
| DECIDED            | January 13, 2026                                                                                                                                                                                                                                                                                                                                                                  |
| DOCKET             | 3:25-cv-1880-X-BT                                                                                                                                                                                                                                                                                                                                                                 |
| DISPOSITION        | other                                                                                                                                                                                                                                                                                                                                                                             |
| PROCEDURAL POSTURE | Defendant United States Fire Insurance Company moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the pro se plaintiff's claims. The magistrate judge recommended granting the motion and dismissing the complaint unless the plaintiff amended it within the period for filing objections.                                                                          |
| STANDARD OF REVIEW | A Rule 12(b)(6) motion tests the legal sufficiency of the complaint. The court accepts well-pleaded facts as true and views them in the light most favorable to the plaintiff, but the complaint must contain sufficient factual matter to state a facially plausible claim for relief. Review is generally limited to the pleadings and documents properly considered with them. |
| PRECEDENTIAL VALUE | nonprecedential                                                                                                                                                                                                                                                                                                                                                                   |
| PARTIES            | Joe Hunsinger v. Valor Intelligent Processing, United States Fire Insurance Company, et al.                                                                                                                                                                                                                                                                                       |

## TOPICS

motions to dismiss

fair debt collection

consumer protection

civil procedure

## PRACTICE AREAS

civil procedure

consumer protection

fair debt collection

telephone consumer protection

## QUESTIONS PRESENTED

1. Whether the complaint stated a plausible claim against USFIC under Rule 12(b)(6) when it alleged only that USFIC was Valor's surety and did not allege misconduct by USFIC.
2. Whether Hunsinger's response to the motion to dismiss could cure deficiencies in the complaint by supplying new allegations and arguments.
3. Whether a pro se plaintiff should be allowed to amend before dismissal.

## HOLDINGS

1. The complaint failed to state a plausible claim against USFIC because it alleged only that USFIC was Valor's surety and did not plead facts from which the court could reasonably infer that USFIC was liable for misconduct.
2. Arguments and allegations presented for the first time in the response to the motion to dismiss could not cure deficiencies in the complaint.
3. Dismissal under Rule 12(b)(6) was proper unless Hunsinger amended his complaint to clarify the basis of his claims against USFIC.

## KEY QUOTATIONS

*“To survive a Rule 12(b)(6) motion, a plaintiff’s complaint must contain sufficient factual matter to state a plausible claim for relief on its face.”*

*“The mere fact that USFIC is a surety for Defendant Valor does not permit the Court to infer any possibility of misconduct by USFIC.”*

*“But Plaintiff’s arguments in his Response to the Motion to Dismiss (ECF No. 14) do not cure the deficiencies in the Complaint itself.”*

## FACTUAL BACKGROUND

Hunsinger alleged that Valor used an automatic telephone dialing system to repeatedly call and text his cell phone in violation of federal and Texas debt-collection and consumer-protection laws. He named USFIC as a defendant based only on allegations that USFIC was Valor's surety and could be served at a specified address. The complaint contained no allegations that USFIC itself engaged in misconduct, and Hunsinger acknowledged that he had no dispute with USFIC.

## PROCEDURAL HISTORY

Hunsinger sued Valor and other defendants, alleging violations of the Telephone Consumer Protection Act, the Fair Debt Collection Practices Act, the Texas Business and Commerce Code, and the Texas Finance Code based on repeated telephone calls and text messages. USFIC, alleged to be Valor's surety, moved to dismiss because the complaint contained no factual allegations showing misconduct or liability by USFIC. The magistrate judge recommended dismissal unless Hunsinger amended the complaint to clarify and cure the pleading deficiencies.

## DISPOSITION

other

## CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- In re Great Lakes Dredge & Dock Co. LLC, 624 F.3d 201, 210 (5th Cir. 2010)
- Papasan v. Allain, 478 U.S. 265, 286 (1986)
- In re Katrina Canal Breaches Litig., 495 F.3d 191, 205 (5th Cir. 2007)
- Spivey v. Robertson, 197 F.3d 772, 774 (5th Cir. 1999)
- Lone Star Fund V (U.S.), L.P. v. Barclays Bank PLC, 594 F.3d 383, 387 (5th Cir. 2010)
- Inclusive Communities Project, Inc. v. Heartland Cmty. Ass'n, Inc., 399 F. Supp. 3d 657, 665 (N.D. Tex. 2019), aff'd, 824 F. App'x 210 (5th Cir. 2020)
- Taylor v. Books A Million, Inc., 296 F.3d 376, 378 (5th Cir. 2002)
- Miller v. Stanmore, 636 F.2d 986, 988 (5th Cir. 1981)
- E.E.O.C. v. Simbaki, Ltd., 767 F.3d 475, 484 (5th Cir. 2014), as revised (Sept. 18, 2014)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Smith v. CVS Caremark Corp., 2013 WL 2291886, at \*8 (N.D. Tex. May 23, 2013)
- Farguson v. MBank Houston, N.A., 808 F.2d 358, 359 (5th Cir. 1986)
- Bazrowx v. Scott, 136 F.3d 1053, 1054 (5th Cir. 1998)
- Sheppard v. Cheeks, 2020 WL 2301367 (W.D. La. Apr. 13, 2020), recommendation adopted, 2020 WL 2248134 (W.D. La. May 7, 2020), aff'd, 2022 WL 964202 (5th Cir. Mar. 30, 2022)
- In re Enron Corp. Sec., Derivative & ERISA Litig., 761 F. Supp. 2d 504, 566 (S.D. Tex. 2011)
- Servicios Azucareros de Venezuela, C.A. v. John Deere Thibodeaux, Inc., 702 F.3d 794, 804 (5th Cir. 2012)
- Brewster v. Dretke, 587 F.3d 764, 767-68 (5th Cir. 2009)
- Douglass v. United Services Automobile Ass'n, 79 F.3d 1415, 1417 (5th Cir. 1996), modified by statute on other grounds

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