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

US Bank National Association v. Falissa Micheaux, Schnika McKissic, individually and as legal guardian for E.T., Natalie Versey, Tanosha Bishop, Montoya Targton, Terry Targton, Jr., and Tariq Targton

Micheaux · No. No. 3:23-cv-2692-S-BN · Decided January 19, 2026

SUMMARY

This document is a United States magistrate judge's Findings, Conclusions, and Recommendation in a mortgage and foreclosure action. The magistrate judge recommends dismissing the case without prejudice for lack of subject-matter jurisdiction because the plaintiff has not submitted sufficient evidence of the parties' citizenship and the amount in controversy at the summary-judgment stage; the recommendation also addresses how the court should proceed if jurisdictional evidence is supplied.

CASE DETAILS

COURT	United States District Court for the Northern District of Texas, Dallas Division
WRITING FOR THE COURT	David L. Horan
JURISDICTION	United States District Court for the Northern District of Texas, Dallas Division
DECIDED	January 19, 2026
DOCKET	No. 3:23-cv-2692-S-BN
DISPOSITION	other
PROCEDURAL POSTURE	Findings, conclusions, and recommendation by a United States magistrate judge on the plaintiff's motion for summary judgment against two defendants and motion for default judgment against the remaining defendants.
STANDARD OF REVIEW	At the summary-judgment stage, the party invoking diversity jurisdiction must provide evidence sufficient to support a jury finding of each party's citizenship and the amount in controversy. Summary judgment requires the movant to establish no genuine dispute of material fact and entitlement to judgment as a matter of law, with a

	plaintiff moving on its own claims required to establish every essential element beyond peradventure. Default judgment requires jurisdiction over the subject matter and parties and satisfaction of Rule 55's procedural requirements.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

subject matter jurisdiction · summary judgment · default judgment · foreclosure · probate procedure

PRACTICE AREAS

civil procedure · real estate · foreclosure · probate · remedies

QUESTIONS PRESENTED

1. Whether the court had subject-matter jurisdiction over the diversity action at the summary-judgment stage.
2. Whether the plaintiff was entitled to summary judgment on its nonjudicial-foreclosure or related breach-of-contract claim against the answering defendants.
3. Whether the plaintiff was entitled to a declaration that it held and could enforce a statutory probate lien against the property.
4. Whether default judgment could be entered against some defendants while the same foreclosure dispute remained unresolved as to other defendants.
5. Whether the plaintiff could obtain attorney's fees from the defaulting defendants.

HOLDINGS

1. A party invoking diversity jurisdiction must provide evidence sufficient to support a jury finding of each party's citizenship and the amount in controversy once the case reaches the summary-judgment stage. Allegations sufficient at the pleading stage are not enough.
2. If jurisdiction were established, summary judgment should be denied because U.S. Bank did not prove beyond peradventure that the answering defendants were heirs who inherited the deceased borrowers' obligations under the loan agreement.
3. If jurisdiction were established, the plaintiff should not receive a declaration that it held or could enforce a statutory probate lien because it did not provide evidence establishing that the answering defendants were heirs who acquired the decedents' property interests subject to the debt.
4. If jurisdiction were established and summary judgment were denied against the answering defendants, default judgment should also be denied because granting foreclosure and probate-lien relief against the defaulting defendants could produce inconsistent judgments concerning the same property.

KEY QUOTATIONS

> *“Such allegations could carry U.S. Bank’s burden at the pleadings stage, but not at the summary judgment stage.”* (14)

> *“But, if within the time to file objections, Plaintiff U.S. Bank Trust Company National Association provides evidence to support its jurisdictional allegations, the Court should deny U.S. Bank’s Motion for Summary Judgment and Motion for Default Judgment [Dkt. No. 61].”* (16)

> *“The failure to respond does not permit the court to enter a ‘default’ summary judgment.”* (19)

> *“Granting default judgment against the defaulting Defendants while the matter is still being litigated by Defendant Cynthia Lares raises the prospect of multiple conflicting judgments regarding the same property.”* (36)

FACTUAL BACKGROUND

The action concerns a $56,000 loan secured by a Texas home-equity security instrument on property in Dallas, Texas. The loan allegedly went into default after November 1, 2022, and U.S. Bank allegedly accelerated the debt and sent notices of default and acceleration. U.S. Bank alleged that the defendants were heirs of the deceased borrowers and sought to enforce the lien through nonjudicial foreclosure and obtain a declaration concerning a statutory probate lien. The plaintiff submitted evidence concerning the loan and notices but did not submit sufficient evidence establishing the parties' citizenship, the property's value, or that the answering defendants were heirs who inherited the borrowers' obligations.

PROCEDURAL HISTORY

U.S. Bank filed a diversity action seeking declaratory relief, enforcement of a statutory probate lien, and nonjudicial foreclosure concerning a mortgage on Texas real property. Two defendants answered, while the remaining defendants failed to appear and had defaults entered. The magistrate judge recommended dismissal without prejudice for lack of subject-matter jurisdiction because the plaintiff provided allegations but not evidence establishing the citizenship of each party or the amount in controversy at the summary-judgment stage. The recommendation alternatively advised that, if jurisdictional evidence were supplied, summary judgment should be denied against the answering defendants and default judgment should be denied against the defaulting defendants because the plaintiff had not proved heirship and the judgments could be inconsistent.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended dismissal without prejudice for lack of subject-matter jurisdiction, while allowing U.S. Bank 14 days to submit evidence establishing the citizenship of each party and the amount in controversy. If such evidence were submitted, the recommendation was to deny summary judgment and default judgment.

CASES CITED

- Weeks Marine, Inc. v. Fireman's Fund Insurance Co., 340 F.3d 233, 235 (5th Cir. 2003)
- Pioneer Exploration, L.L.C. v. Steadfast Insurance Co., 767 F.3d 503, 511 (5th Cir. 2014)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255 (1986)
- New York Life Insurance Co. v. Brown, 84 F.3d 137, 141 (5th Cir. 1996)
- Rogers v. Hartford Life & Accident Insurance Co., 167 F.3d 933, 936 (5th Cir. 1999)
- System Pipe & Supply, Inc. v. M/V Viktor Kurnatovskiy, 242 F.3d 322, 324 (5th Cir. 2001)
- Gunn v. Minton, 568 U.S. 251, 256 (2013)
- Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375, 377 (1994)
- Wachovia Bank, N.A. v. Schmidt, 546 U.S. 303, 318 (2006)
- Escalante v. Lidge, 34 F.4th 486, 495 (5th Cir. 2022)
- Frow v. De La Vega, 82 U.S. 552, 554 (1872)
- Richardson v. Wells Fargo Bank, National Association, 740 F.3d 1035, 1040 (5th Cir. 2014)