

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Shari Thigpen v. Citibank, N.A.

Thigpen · No. 1:25-cv-00622-KG-JMR · Decided January 20, 2026

SUMMARY

The document is a United States Magistrate Judge’s Proposed Findings and Recommended Disposition in Thigpen v. Citibank, N.A. The magistrate judge recommends dismissal for lack of subject-matter jurisdiction, concluding that the Federal Arbitration Act does not independently confer federal-question jurisdiction and that the amount in controversy is below the \$75,000 diversity-jurisdiction threshold. The recommendation also advises denying the defendant’s pending motions for attorneys’ fees and costs because the court lacks jurisdiction.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Jenniher M. Rozzoni, United States Magistrate Judge
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	January 20, 2026
DOCKET	1:25-cv-00622-KG-JMR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a petition under §§ 10 and 11 of the Federal Arbitration Act to vacate or modify an arbitration award. After the court issued two orders to show cause concerning subject-matter jurisdiction, Plaintiff filed an amended petition but did not respond to the second order. The magistrate judge issued proposed findings and a recommended disposition recommending dismissal for lack of subject-matter jurisdiction.
STANDARD OF REVIEW	The court independently examined subject-matter jurisdiction, which may be raised at any time and requires dismissal when jurisdiction is absent. The proposed findings were subject to de novo review upon timely and specific objection under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	Unknown; proposed findings and recommended disposition from a federal district court
PARTIES	Shari Thigpen v. Citibank, N.A.

TOPICS

subject matter jurisdiction

arbitration

civil procedure

consumer protection

attorney fees

PRACTICE AREAS

civil procedure

arbitration

consumer protection

commercial litigation

QUESTIONS PRESENTED

1. Whether a petition to vacate or modify an arbitration award under §§ 10 and 11 of the Federal Arbitration Act may establish federal-question jurisdiction by reference to federal claims underlying the arbitration.
2. Whether the amount in controversy for a petition to vacate or modify the arbitration award exceeded \$75,000 for purposes of diversity jurisdiction.
3. Whether the petition should be dismissed for lack of subject-matter jurisdiction and Plaintiff's failure to comply with the second order to show cause.
4. Whether Defendant's pending motions for attorneys' fees and costs should be denied because the court lacked subject-matter jurisdiction.

HOLDINGS

1. A petition to vacate or modify an arbitration award under §§ 10 and 11 of the Federal Arbitration Act does not establish federal-question jurisdiction merely because the underlying arbitration involved federal statutory claims; the court may not look through such a petition to the underlying claims.
2. For a petition to vacate or modify an arbitration award, the amount in controversy is measured from the face of the petition and the arbitral award, not from potential damages on underlying claims that the petitioner seeks to revive; an award of \$43,956.39 did not satisfy the \$75,000 amount-in-controversy requirement.
3. The petition should be dismissed because the court lacked both federal-question and diversity jurisdiction and Plaintiff failed to show cause why the case should remain pending.

KEY QUOTATIONS

"If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action." (at 2)

"A federal court may entertain an action brought under the FAA only if the action has an independent jurisdictional basis." (at 3)

"Because the amount in controversy is less than \$75,000, this Court does not have diversity jurisdiction." (at 6)

FACTUAL BACKGROUND

Shari Thigpen sought to vacate or modify an arbitration award of \$43,956.39 under §§ 10 and 11 of the Federal Arbitration Act. She asserted federal-question jurisdiction based on federal consumer-protection claims allegedly underlying her arbitration counterclaims and diversity jurisdiction based on the parties' citizenship and the asserted value of her claims. She did not assign a specific value to the proposed reinstatement of her federal claims, failed to establish that more than \$75,000 was in controversy based on the petition itself, and did not respond to the court's second jurisdictional order to show cause.

PROCEDURAL HISTORY

On July 1, 2025, Plaintiff filed a petition to vacate or modify an arbitration award. The court issued an order to show cause, after which Plaintiff filed an amended petition asserting federal-question and diversity jurisdiction. The court issued a second order to show cause, Plaintiff failed to respond, and Defendant filed notice of the noncompliance. The magistrate judge recommended dismissal and recommended denial of Defendant's pending motions for attorneys' fees and costs because the court lacked jurisdiction.

DISPOSITION

other

CASES CITED

- *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006)
- *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991)
- *Badgerow v. Walters*, 596 U.S. 1, 5, 7-9 (2022)
- *Hall St. Assocs., L.L.C. v. Mattel, Inc.*, 552 U.S. 576, 581-82 (2008)
- *Vaden v. Discover Bank*, 556 U.S. 49, 62 (2009)
- *Peacock v. Thomas*, 516 U.S. 349, 354 (1996)
- *Goldman v. Citigroup Global Markets, Inc.*, 834 F.3d 242, 254-55 (3d Cir. 2016)
- *Collins v. Blue Cross Blue Shield of Michigan*, 103 F.3d 35, 38 (6th Cir. 1996)
- *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 289 (1938)
- *Woodmen of World Life Ins. Soc'y v. Manganaro*, 342 F.3d 1213, 1217 (10th Cir. 2003)
- *Matios v. City of Loveland*, No. 22-1047, 2022 WL 2734270, at *2 (10th Cir. July 14, 2022)
- *Craig Hosp. v. United Healthcare Servs., Inc.*, No. 24-CV-03050-PAB-STV, 2025 WL 2602399, at *4-*5, *7 (D. Colo. Sept. 9, 2025)
- *Dixon v. PayPal Inc.*, 2023 WL 6283286, at *3 (E.D.N.Y. Sept. 26, 2023)
- *Friedler v. Stifel, Nicolaus, & Co., Inc.*, 108 F.4th 241, 246 (4th Cir. 2024)
- *United States v. One Parcel of Real Prop., With Buildings, Appurtenances, Improvements, & Contents, Known as: 2121 E. 30th St., Tulsa, Oklahoma*, 73 F.3d 1057, 1060 (10th Cir. 1996)