

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Jeremy Black v. Portfolio Recovery Associates LLC, et al.

Black v. Portfolio Recovery Associates LLC · Decided March 31, 2026

SUMMARY

The United States District Court for the District of Arizona consolidated three actions brought by Jeremy Black against Portfolio Recovery Associates LLC concerning alleged violations of the Fair Debt Collection Practices Act. The court denied the plaintiff’s motions to remand, finding the removals proper and timely, and granted the defendant’s motions to dismiss. The court held that the claims were barred by res judicata because they arose from the same account and conduct as earlier state-court actions resolved by accepted offers of judgment and dismissals with prejudice.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Raner C. Collins
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 31, 2026
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought three Fair Debt Collection Practices Act actions in Arizona state small claims court. Defendant removed each action to federal district court, moved to consolidate the cases, and moved to dismiss under Federal Rule of Civil Procedure 12(b)(6). Plaintiff moved to remand, arguing that removal was procedurally defective and untimely.
STANDARD OF REVIEW	The court assessed subject-matter jurisdiction and removal procedure de novo as matters of federal jurisdiction and applied the Rule 12(b)(6) standard to the motions to dismiss. The court applied the elements of claim preclusion to determine whether the complaints stated claims barred by res judicata.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Jeremy Black v. Portfolio Recovery Associates LLC, et al.

TOPICS

- res judicata
- motions to dismiss
- subject matter jurisdiction
- fair debt collection
- civil procedure

PRACTICE AREAS

civil procedure

consumer protection

fair debt collection

remedies

QUESTIONS PRESENTED

1. Whether the federal court had original subject-matter jurisdiction over the removed FDCPA actions.
2. Whether PRA's inclusion of multiple complaints in the first removal filing created a remand-requiring procedural defect.
3. Whether PRA's notices of removal were untimely because PRA received the complaints by Federal Express.
4. Whether consolidation was appropriate because the three actions involved substantially the same parties, facts, and legal questions.
5. Whether Black's 2025 FDCPA claims were barred by res judicata based on the 2024 actions.
6. Whether the court needed to reach PRA's alternative statute-of-limitations argument.

HOLDINGS

1. The court had original federal-question jurisdiction over all three actions because Black's FDCPA claims arose under federal law.
2. The initial removal filing did not itself remove all three unconsolidated actions, but PRA remedied the deficiency by separately removing the other two actions and identifying the same jurisdictional basis.
3. The removal notices were timely because service by Federal Express did not constitute service by certified or registered mail under the applicable Arizona small-claims service provisions, so the 30-day removal period was not triggered.
4. Consolidation of the three actions was appropriate.
5. The 2025 FDCPA claims were barred by res judicata and had to be dismissed with prejudice.

KEY QUOTATIONS

“Plaintiff’s FDCPA claims arise under federal law.” (at 2)

“Service by Federal Express does not constitute service by certified or registered mail.” (at 5)

“where claims arise from the same factual circumstances, a plaintiff must bring all related claims together or forfeit the opportunity to bring any omitted claim in a subsequent proceeding.” (at 8)

“Because all elements of res judicata are satisfied, Plaintiffs claims are barred and must be dismissed.” (at 9)

FACTUAL BACKGROUND

Black filed three 2025 FDCPA complaints concerning PRA's alleged failure to verify and validate the same debt and its continued reporting of that debt to credit-reporting agencies. The complaints were materially identical except that they identified different agencies to which PRA allegedly furnished credit reports. Black had previously filed three 2024 state-court actions concerning the same account, disputes, and course of conduct;

those actions were consolidated, resolved through Black's acceptance of a \$3,000 Rule 68 offer of judgment, and dismissed with prejudice.

PROCEDURAL HISTORY

Black filed three 2025 actions against Portfolio Recovery Associates in the small claims division of the Pima County Consolidated Justice Court. PRA removed the actions separately to the District of Arizona and sought consolidation. Black moved to remand, while PRA moved to dismiss on res judicata and statute-of-limitations grounds. The court consolidated the cases, denied remand, granted dismissal with prejudice, and ordered the case files closed.

DISPOSITION

dismissed

CASES CITED

- *Marcilis v. Township of Redford*, 693 F.3d 589, 596 (6th Cir. 2012)
- *Lanman v. Hinson*, 529 F.3d 673, 684 (6th Cir. 2008)
- *Robbins v. Oklahoma*, 519 F.3d 1242, 1250 (10th Cir. 2008)
- *Woodbeck v. United States*, No. 07-1235-PHX-RCB, 2008 WL 312104, at *3 (D. Ariz. Jan. 31, 2008)
- *Dugay v. JPMorgan Chase*, No. CIV 06-1663-PHX-RCB, 2006 WL 3792043, at *5 (D. Ariz. Dec. 20, 2006)
- *Ethridge v. Harbor House Restaurant*, 861 F.2d 1389, 1393 (9th Cir. 1988)
- *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992)
- *Libhart v. Santa Monica Dairy Co.*, 592 F.2d 1062, 1064 (9th Cir. 1979)
- *Industrial Tectonics, Inc. v. Aero Alloy*, 912 F.2d 1090, 1092 (9th Cir. 1990)
- *Schoppenhorst v. Schultz*, No. 3:24-cv-00209-SLG, 2025 WL 1652147, at *6 (D. Ala. June 10, 2025)
- *Oregon Egg Producers v. Andrew*, 458 F.2d 382, 383 (9th Cir. 1972)
- *ARCO Environmental Remediation, L.L.C. v. Department of Health and Environmental Quality of Montana*, 213 F.3d 1108, 1113, 1117 (9th Cir. 2000)
- *O'Halloran v. University of Washington*, 856 F.2d 1375, 1381 (9th Cir. 1988)
- *DeFiore v. SOC LLC*, 85 F.4th 546, 559 (9th Cir. 2023)
- *Kinetic Systems, Inc. v. Federal Financial Bank*, 895 F. Supp. 2d 983, 994 (N.D. Cal. 2012)
- *Lee v. City of Beaumont*, 12 F.3d 933, 937 (9th Cir. 1993)
- *Cachet Residential Builders, Inc. v. Gemini Insurance Co.*, 547 F. Supp. 2d 1028, 1030-31 (D. Ariz. 2007)
- *Brown v. China Integrated Energy*, No. CV 11-2559 MMM (PLAx), 2012 U.S. Dist. LEXIS 196471, at *10 (C.D. Cal. July 12, 2012)
- *Cooke v. Masterpharm, Inc.*, No. CV-10-845-PHX-GMS, 2010 WL 2490536, at *1 (D. Ariz. June 16, 2010)
- *Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 350 (1999)
- *GP Vincent II v. Estate of Beard*, 68 F.4th 508, 514-15 (9th Cir. 2023)
- *Owens v. Kaiser Foundation Health Plan, Inc.*, 244 F.3d 708, 713 (9th Cir. 2001)

- *Dodd v. Hood River County*, 136 F.3d 1219, 1224-25 (9th Cir. 1998)
- *Stewart v. U.S. Bancorp*, 297 F.3d 953, 956 (9th Cir. 2002)
- *Mpoyo v. Litton Electro-Optical Systems*, 430 F.3d 985, 987-88 (9th Cir. 2005)
- *ProShipLine Inc. v. Aspen Infrastructures Ltd.*, 609 F.3d 960, 968 (9th Cir. 2010)
- *Turtle Island Restoration Network v. U.S. Department of State*, 673 F.3d 914, 918 (9th Cir. 2012)
- *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 322 F.3d 1064, 1078, 1081 (9th Cir. 2003)
- *McClain v. Apodaca*, 793 F.2d 1031, 1034 (9th Cir. 1986)
- *Costantini v. Trans World Airlines*, 681 F.2d 1199, 1201 (9th Cir. 1982)
- *Sawyer v. First City Financial Corp.*, 124 Cal. App. 3d 390, 400 (Cal. Ct. App. 1981)
- *United States ex rel. Barajas v. Northrop Corp.*, 147 F.3d 905, 909 (9th Cir. 1998)
- *Hells Canyon Preservation Council v. U.S. Forest Service*, 403 F.3d 683, 686 (9th Cir. 2005)

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