UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW HAMPSHIRE

Anthony Silva v. TD Bank USA, N.A.

2026 DNH 076 (D. N.H. 2026) · No. 26-cv-186-SM-AJ · Decided June 15, 2026

SUMMARY

The United States District Court for the District of New Hampshire granted TD Bank USA, N.A.’s motion for judgment on the pleadings in Anthony Silva’s Fair Credit Reporting Act action. The court dismissed the complaint based on its failure to state a viable claim, Silva’s failure to respond, and his failure to maintain accurate contact information or comply with court directives.

CASE DETAILS

COURT	United States District Court for the District of New Hampshire
WRITING FOR THE COURT	Steven J. McAuliffe
JURISDICTION	United States District Court for the District of New Hampshire
DECIDED	June 15, 2026
DOCKET	26-cv-186-SM-AJ
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant removed plaintiff's state-court small-claims action to federal court and moved for judgment on the pleadings under Federal Rule of Civil Procedure 12(c). Plaintiff did not respond to the motion, an order permitting amendment, or the court's subsequent efforts to obtain updated contact information and a response.
STANDARD OF REVIEW	Judgment on the pleadings under Federal Rule of Civil Procedure 12(c); dismissal for failure to prosecute or comply with court rules or orders under Federal Rule of Civil Procedure 41(b).
PRECEDENTIAL VALUE	Unpublished federal district court order; precedential status is unknown.
PARTIES	Anthony Silva v. TD Bank USA, N.A.

TOPICS

motion for judgment on the pleadings · fair debt collection · credit reporting · civil procedure · default

PRACTICE AREAS

Civil procedure | Consumer protection | Fair credit reporting

QUESTIONS PRESENTED

1. Whether TD Bank was entitled to judgment on the pleadings where Silva failed to respond to the motion and did not adequately plead a viable Fair Credit Reporting Act claim.
2. Whether the action should be dismissed because Silva failed to prosecute the case and failed to comply with the court's orders and Local Rule 83.6(e).

HOLDINGS

1. TD Bank's motion for judgment on the pleadings was granted because the motion was meritorious and unopposed, and the complaint failed to state a viable cause of action for the reasons set forth in TD Bank's memorandum.
2. Dismissal was warranted because Silva failed to respond to the court's orders and communications, failed to provide accurate contact information as required by Local Rule 83.6(e), and failed to prosecute his claims.

FACTUAL BACKGROUND

Silva alleged that he submitted identity-theft and fraud reports disputing a fraudulent Target RedCard tradeline, but that Target National Bank failed to remove or correct the account and continued furnishing inaccurate information to credit reporting agencies. He claimed financial harm, denial of banking access, and credit-related damages. After removal, Silva failed to respond to TD Bank's motion or the court's efforts to contact him, and mail sent to him was returned as undeliverable.

PROCEDURAL HISTORY

Silva filed a small-claims complaint in state court alleging violations of the Fair Credit Reporting Act. TD Bank removed the action based on federal-question jurisdiction and moved for judgment on the pleadings. After Silva failed to respond, the court gave him an opportunity to amend and later directed him to provide accurate contact information and respond to the motion. Silva did neither, so the court granted the motion, dismissed the complaint, directed entry of judgment, and closed the case.

DISPOSITION

dismissed

OPINION

Silva

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Anthony Silva, Plaintiff v. Case No. 26-cv-186-SM-AJ Opinion No. 2026 DNH 076 TD Bank USA, N.A., Defendant

O R D E R

Anthony Silva originally filed this action in state court as a small claim complaint and defendant removed it to this court, invoking this court's federal question jurisdiction. In his complaint, Silva asserts that the defendant, TD Bank USA, violated the federal Fair Credit Reporting Act. TD Bank moves for judgment on the pleadings, asserting that Silva's complaint fails to state a viable cause of action. See generally Fed. R. Civ. P. 12(c). For the reasons discussed, that motion is granted and the complaint is dismissed. Background In his complaint, Silva alleges that he: submitted FTC identity theft and fraud reports disputing a fraudulent Target RedCard tradeline [sic]. Despite notice and supporting documentation, Target National Bank failed to remove or correct the fraudulent account and continued furnishing false information to credit reporting agencies. This caused financial harm, denial of banking access, and credit damages. The failure was willful and negligent. Small Claim Complaint (document no. 1-1) at 3. In response, TD Bank filed a Motion for Judgment on the Pleadings (document no. 4). Silva did not respond. Accordingly, the court entered an order notifying Silva that, The motion for judgment on the pleadings appears to have substantial merit. As plaintiff is appearing pro se, however, some flexibility is warranted. Accordingly, plaintiff may file an amended complaint responding to the issues raised by defendant on or before May 8, 2026. Failure to file [a response] or filing a proposed amended complaint that does not adequately address the issues raised will necessarily result in an order granting the motion and dismissing the case. Order dated April 8, 2026 (emphasis supplied). Then, the court began receiving notices that mail addressed to Silva was being returned as "undeliverable." See, e.g., documents no. 11 through 16. In response, court staff attempted to reach Silva by telephone, at the number he provided on the materials he had submitted along with the small claim complaint he filed in state court. He did not respond to voice messages asking him to contact the court. The court then attempted to contact Mr. Silva by email, at the address he had provided along with his small claim complaint. The following notice was sent to Silva, with a copy to defense counsel: Mr. Silva, The Small Claim Complaint you filed in state court against TD Bank USA, N.A. has been removed (transferred) to the United States District Court for the District of New Hampshire, located at 55 Pleasant Street, Concord, N.H. The defendant in that proceeding has filed a motion to dismiss your complaint to which you have not responded. All efforts to contact you by U.S. Mail and telephone have proved unsuccessful. Accordingly, on or before June 12, 2026, you shall: (a) provide the federal court with your full and accurate mailing address (including, if applicable, your apartment number); and (b) respond to the pending motion to dismiss (document no. 4), which is attached. If you fail to comply in a timely manner, your claims against TD Bank USA, NA are subject to dismissal with prejudice - that is, judgment will be entered in favor of the defendant and you will be prevented from pursuing those claims any further, in any court. E-mail Notice dated May 15, 2026 (emphasis supplied). Silva has not responded. Conclusion There being no objection to defendant's meritorious motion, and plaintiff having failed to respond to the court's various efforts to contact him, and having failed to provide accurate contact information to the court as required by Local Rule 83.6(e), defendant's Motion for Judgment on the Pleading (document no. 4) is granted, for the reasons set forth in defendant's legal memorandum (document no. 4-1). See also Fed. R. Civ. P. 41(b) (providing for dismissal of an action should the plaintiff fail to prosecute his claims and/or fail to comply with the governing rules of civil procedure or court order). The Clerk of Court shall enter judgment in accordance with this order and close the case. SO ORDERED. Gouna ttddiffe — teven @. McAuliffe United States District Judge June 15, 2026 cc: Anthony Silva, pro se Counsel of Record