UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

Powell v. Regional Finance Corporation of Alabama

Powell · No. 3:26-cv-00034-RAH-SMD · Decided March 27, 2026

SUMMARY

The court adopted the Magistrate Judge's recommendation and granted the defendant's motion to dismiss the plaintiff's Fair Debt Collection Practices Act claim with prejudice. The court declined supplemental jurisdiction over the remaining state-law claims, remanded the action to the Small Claims Court of Randolph County, Alabama, and directed the clerk to close the case.

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA EASTERN DIVISION DAVID POWELL,)) Plaintiff,)) v.) CASE NO. 3:26-cv-00034-RAH-SMD) REGIONAL FINANCE) CORPORATION OF ALABAMA,)) Defendant.) ORDER On March 10, 2026, the Magistrate Judge issued a Recommendation (doc. 15) that Defendant Regional Finance Corporation of Alabama's ("Regional Finance") Motion to Dismiss (doc.

5) be granted as to Plaintiff's claim under the Fair Debt Collection Practices Act ("FDCPA"). The Magistrate Judge further recommended that the Court decline to exercise supplemental jurisdiction over the remaining state- law claims and remand the matter to the Small Claims Court of Randolph County, Alabama.

The parties were given until March 24, 2026, to file any objections to the Recommendation. Neither party did so. Because no objections have been filed in opposition to the Magistrate's Recommendation, this Court reviews the Recommendation for clear error only. See Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006) (per curiam) (citations omitted) ("Most circuits agree that '[i]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'").

Having conducted an independent review of the Recommendation and the record, this Court is satisfied that the Recommendation is due to be adopted in full and contains no clear error. This Court agrees with the Magistrate Judge's conclusion that the FDCPA claim fails because the Plaintiff alleged no facts suggesting that the Defendant is a "debt collector" as defined by 15 U.S.C. § 1692a(6).

Furthermore, given the early stage of the litigation and the nature of the remaining claims, the Court agrees that declining supplemental jurisdiction over the state-law breach of contract claim and counterclaim is appropriate under 28 U.S.C. § 1367(c).

Accordingly, and for good cause, it is ORDERED as follows: 1. The Magistrate Judge’s Recommendation (doc. 15) is ADOPTED; 2. Defendant’s Motion to Dismiss (doc. 5) is GRANTED to the extent it seeks dismissal of Plaintiff's FDCPA claim; 3. Plaintiff's FDCPA claim is DISMISSED with prejudice; 4.

The Court DECLINES to exercise supplemental jurisdiction over the remaining state-law breach of contract claim and counterclaim; 5. This action is REMANDED to the Small Claims Court of Randolph County, Alabama; and, 6.

The Clerk of Court is DIRECTED to take all steps necessary to effectuate the remand and to close this file. DONE on this the 27th day of March 2026. CHIEF UNITED STATES DISTRICT JUDGE