

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

Ronald Mays v. McCalla Reymer Leifert Pierce, et al.

Mays · No. 2:26-cv-43-MHT-JTA · Decided March 16, 2026

SUMMARY

The magistrate judge recommends dismissing Ronald Mays’s amended complaint without prejudice for lack of subject matter jurisdiction. The court concludes that the pleading fails to establish federal-question or diversity jurisdiction, does not adequately state claims or facts as required by the court’s prior order, and does not plausibly allege that the private foreclosure-related defendants acted under color of state law. Objections were permitted by March 30, 2026.

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama, Northern Division
WRITING FOR THE COURT	Jerusha T. Adams
JURISDICTION	United States District Court for the Middle District of Alabama, Northern Division
DECIDED	March 16, 2026
DOCKET	2:26-cv-43-MHT-JTA
DISPOSITION	dismissed
PROCEDURAL POSTURE	Report and recommendation on a pro se plaintiff's amended complaint; the magistrate judge recommended dismissal without prejudice for lack of subject matter jurisdiction.
STANDARD OF REVIEW	The court must examine subject matter jurisdiction sua sponte at the earliest possible stage and throughout the action. The plaintiff bears the burden of establishing federal subject matter jurisdiction, and pro se pleadings are liberally construed but may not be rewritten by the court to create jurisdiction.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Ronald Mays v. McCalla Reymer Leifert Pierce, et al.

TOPICS

subject matter jurisdiction

pleadings

civil procedure

section 1983

wrongful foreclosure

PRACTICE AREAS

civil procedure

federal jurisdiction

civil rights

real estate litigation

QUESTIONS PRESENTED

1. Whether the amended complaint established federal question jurisdiction.
2. Whether the amended complaint complied with the court's order requiring a factual statement, separately numbered causes of action, and identification of the legal basis for each claim.
3. Whether the action should be dismissed without prejudice for lack of subject matter jurisdiction.

HOLDINGS

1. The amended complaint failed to establish federal question jurisdiction because it merely referenced the Constitution, federal law, and federally protected rights without identifying a specific federal claim or alleging facts showing that a federal question appeared on the face of a well-pleaded complaint.
2. The amended complaint did not comply with the court's order because it lacked a factual section, separately numbered claims, identification of the causes of action, and specific allegations describing each defendant's conduct, the resulting harm, and when and where the conduct occurred.
3. Because the court lacked subject matter jurisdiction, the action should be dismissed in its entirety without prejudice.

KEY QUOTATIONS

“subject-matter jurisdiction, because it involves a court’s power to hear a case, can never be forfeited or waived.” (at 1)

“Consequently, the amended complaint is due to be dismissed for lack of subject matter jurisdiction.” (at 4)

FACTUAL BACKGROUND

Ronald Mays challenged a mortgage foreclosure involving two law firms and a mortgage loan servicer. His original complaint asserted deprivation of property without due process under 42 U.S.C. § 1983 and sought declaratory and injunctive relief, but it did not plausibly allege that the private defendants acted under color of state law or establish diversity jurisdiction. After receiving an opportunity to amend, Mays filed a document that generally referenced federal rights and foreclosure-related due process concerns but did not identify specific federal claims, supporting facts, or facts establishing federal jurisdiction.

PROCEDURAL HISTORY

Mays initially asserted claims under 42 U.S.C. § 1983 and the Declaratory Judgment Act concerning an allegedly wrongful mortgage foreclosure. The court identified pleading and jurisdictional deficiencies and granted him one opportunity to amend. Mays filed a response construed as his amended complaint, but it did not state supporting facts, separately numbered claims, a cognizable federal cause of action, or an adequate

jurisdictional basis. The magistrate judge recommended dismissal without prejudice and advised that the recommendation was not a final appealable order.

DISPOSITION

dismissed

CASES CITED

- *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 503, 513-514 (2006)
- *United States v. Cotton*, 535 U.S. 625, 630 (2002)
- *Univ. of S. Ala. v. Am. Tobacco Co.*, 168 F.3d 405, 410 (11th Cir. 1999)
- *Williams v. Poarch Band of Creek Indians*, 839 F.3d 1312, 1314 (11th Cir. 2016)
- *GJR Invs., Inc. v. Cnty. of Escambia, Fla.*, 132 F.3d 1359, 1369 (11th Cir. 1998)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *In re Davis*, 237 B.R. 177, 181 (M.D. Ala. 1999)
- *Kohler v. Garlets*, 578 F. App'x 862, 865 (11th Cir. 2014)
- *California v. Texas*, 593 U.S. 659, 672 (2021)
- *Sellers v. Nationwide Mut. Fire Ins. Co.*, 968 F.3d 1267, 1273 (11th Cir. 2020)
- *Mohan Props., LLC v. Unif. Paving & Seal Coating, LLC*, No. 1:24-cv-793-JTA, 2025 WL 2109882, at *2 nn.7-8 (M.D. Ala. July 28, 2025)
- *Terry v. Desautels*, No. 2:24-CV-727-RAH-JTA, 2025 WL 2089310, at *9 (M.D. Ala. July 24, 2025), report and recommendation adopted, No. 2:24-CV-00727-RAH, 2025 WL 2375145 (M.D. Ala. Aug. 14, 2025)
- *Resnick v. KrunchCash, LLC*, 34 F.4th 1028, 1034 (11th Cir. 2022)
- *Ex parte McCardle*, 74 U.S. (7 Wall.) 506, 514 (1868)
- *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982)
- *Stein v. Reynolds Sec., Inc.*, 667 F.2d 33 (11th Cir. 1982)
- *Bonner v. City of Prichard, Ala.*, 661 F.2d 1206 (11th Cir. 1981) (en banc)