

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Mark David Moran v. PennyMac Loan Services, LLC, et al.

No. 1:25-cv-00516 (N.D. Ohio Jan. 22, 2026) · No. 1:25-cv-00516 · Decided January 22, 2026

SUMMARY

The United States District Court for the Northern District of Ohio dismissed with prejudice the claims against a state judge, magistrate, and foreclosure counsel based on judicial and attorney immunity and failure to state a claim. The court denied remand, abstained under the Colorado River doctrine, and stayed the remaining action pending resolution of a related state foreclosure proceeding. The case was administratively closed subject to timely reopening after final resolution of the state case.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	Bridget Meehan Brennan
JURISDICTION	United States District Court for the Northern District of Ohio, Eastern Division
DECIDED	January 22, 2026
DOCKET	1:25-cv-00516
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a federal action asserting federal and state claims arising from a pending state foreclosure action. Defendants moved to dismiss; PennyMac alternatively moved to remand, abstain, or dismiss. The court dismissed the claims against the state judicial defendants and foreclosure counsel with prejudice, denied remand, granted Colorado River abstention, and stayed the federal action pending resolution of the state foreclosure case.
STANDARD OF REVIEW	A Rule 12(b)(6) motion is evaluated under whether the complaint alleges sufficient facts to state a plausible claim for relief, accepting factual allegations as true and drawing reasonable inferences for the nonmovant. Colorado River abstention requires first determining whether the state and federal proceedings are parallel and then weighing the relevant abstention factors.

PRECEDENTIAL VALUE	unknown
PARTIES	Mark David Moran v. PennyMac Loan Services, LLC, Judge Richard Bell, Magistrate John Dyke, Reisenfeld and Associates LLC, et al.

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QUESTIONS PRESENTED

1. Whether Moran stated plausible claims against Judge Bell and Magistrate Dyke despite judicial immunity.
2. Whether Moran stated a plausible claim against Reisenfeld and Associates LLC, PennyMac's foreclosure counsel, despite Ohio attorney immunity.
3. Whether the federal action could be remanded under 28 U.S.C. § 1447.
4. Whether Colorado River abstention applied because the federal action and the pending state foreclosure action were parallel and involved overlapping property and legal issues.
5. Whether Colorado River abstention required a stay rather than dismissal.

HOLDINGS

1. Judge Bell and Magistrate Dyke were entitled to judicial immunity, and Moran's conclusory allegations did not plausibly establish either exception to that immunity: nonjudicial conduct or judicial conduct taken in the complete absence of jurisdiction.
2. Reisenfeld and Associates LLC was immune from liability to Moran because he alleged no facts establishing that the attorneys acted in bad faith or malice, outside their capacity as advocates, or in circumstances overcoming Ohio attorney immunity.
3. Remand was unavailable because the action was initiated in federal court rather than removed from state court.
4. Colorado River abstention was appropriate because the federal action and the pending state foreclosure action were parallel and the relevant factors, particularly the risk of piecemeal litigation, the state court's earlier jurisdiction, the property's location, and the state court's greater progress, favored abstention.
5. Colorado River abstention requires a stay rather than dismissal of the federal action.

KEY QUOTATIONS

“While Pennymac also seeks a dismissal on abstention grounds, the Sixth Circuit has held Colorado River abstention requires a stay, not a dismissal, of a federal action.” (Section II.B.2)

“This matter is STAYED pending final resolution in PennyMac Loan Services, LLC v. Mark David Moran, et al., Cuyahoga C.P. No. CV-24-104921.” (Conclusion)

FACTUAL BACKGROUND

PennyMac filed a foreclosure action against Moran and his wife in March 2024, voluntarily dismissed it without prejudice, and filed a second foreclosure action in October 2024 involving the same mortgage, promissory note, and property. Moran filed this federal action while the second foreclosure case was pending, alleging that PennyMac, the state judicial officers, and PennyMac's foreclosure counsel violated federal and state law, including the FDCPA, FCRA, and constitutional provisions. The federal and state proceedings concerned overlapping issues regarding PennyMac's servicing of the mortgage, possession of the note, and enforceability of the mortgage contract.

PROCEDURAL HISTORY

PennyMac previously filed and voluntarily dismissed a foreclosure action against Moran, then filed a second foreclosure action in the Cuyahoga County Court of Common Pleas. Moran filed this federal action while the second foreclosure action remained pending, asserting claims including FCRA and FDCPA violations and constitutional claims. The district court dismissed the claims against Judge Bell, Magistrate Dyke, and Reisenfeld and Associates LLC, denied remand, and stayed the remaining matter under Colorado River.

DISPOSITION

other

REMAND INSTRUCTIONS

The federal action is stayed pending final resolution of PennyMac Loan Services, LLC v. Mark David Moran, et al., Cuyahoga C.P. No. CV-24-104921. The case is administratively closed and may be reopened by timely motion filed no later than fourteen days after the state case reaches finality through settlement or exhaustion of appeals. No claims or defenses are waived by the stay.

CASES CITED

- PennyMac Loan Services, LLC v. Mark D. Moran, et al., Cuyahoga C.P. No. CV-24-993696
- Moran v. Pennymac, LLC, No. 1:24 CV 985, 2024 WL 4839394, 2024 U.S. Dist. LEXIS 210532 (N.D. Ohio Nov. 20, 2024)
- Passa v. City of Columbus, 123 F. App'x 694, 697 (6th Cir. 2005)
- Handy-Clay v. City of Memphis, 695 F.3d 531, 538 (6th Cir. 2012)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007)
- Directv, Inc. v. Treesh, 487 F.3d 471, 476 (6th Cir. 2007)
- Bassett v. National Collegiate Athletic Ass'n, 528 F.3d 426, 437 (6th Cir. 2008)
- Boswell v. Mayer, 169 F.3d 384, 387 (6th Cir. 1999)
- Erickson v. Pardus, 551 U.S. 89, 94, 127 S.Ct. 2197, 2200, 167 L.Ed.2d 1081 (2007)

- El Bey v. Roop, 530 F.3d 407, 413 (6th Cir. 2008)
- Pilgrim v. Littlefield, 92 F.3d 413, 416 (6th Cir. 1996)
- Wells v. Brown, 891 F.2d 591, 594 (6th Cir. 1989)
- Grinter v. Knight, 532 F.3d 567, 577 (6th Cir. 2008)
- Erwin v. Edwards, 22 F. App'x 579, 580 (6th Cir. 2001)
- Followell v. Mills, 317 F. App'x 501, 505 (6th Cir. 2009)
- Cooperrider v. Woods, 127 F.4th 1019, 1030 (6th Cir. 2025)
- Burns v. Reed, 500 U.S. 478, 478, 111 S.Ct. 1934, 114 L.Ed.2d 547 (1991)
- Vector Research, Inc. v. Howard & Howard Attorneys P.C., 76 F.3d 692, 700 (6th Cir. 1996)
- Scholler v. Scholler, 462 N.E.2d 158, 163 (Ohio 1984)
- Dykes v. Gayton, 744 N.E.2d 199, 200 (Ohio Ct. App. 2000)
- Darrow v. Zigan, 2009-Ohio-2205, ¶ 15 (Ohio Ct. App. 2009)
- LeRoy v. Allen, Yurasek & Merklin, 872 N.E.2d 254, 258 (Ohio Ct. App. 2007)
- Colorado River Water Cons. Dist. v. United States, 424 U.S. 800, 96 S.Ct. 1236, 47 L.Ed.2d 483 (1976)
- Romine v. Compuserve Corp., 160 F.3d 337, 339-41 (6th Cir. 1998)
- Bates v. Van Buren Twp., 122 F. App'x 803, 806, 809 (6th Cir. 2004)
- Healthcare Co. Ltd. v. Upward Mobility, Inc., 784 F. App'x 390, 393-96 (6th Cir. 2019)
- Baskin v. Bath Twp. Bd. of Zoning Appeals, 15 F.3d 569, 572 (6th Cir. 1994)
- Nakash v. Marciano, 882 F.2d 1411, 1416 (9th Cir. 1989)
- Moses H. Cone Mem'l Hosp. v. Mercury Constr. Corp., 460 U.S. 1, 15, 103 S.Ct. 927, 74 L.Ed.2d 765 (1983)
- Trivison v. Fed. Nat'l Mortg. Ass'n, No. 1:20-CV-00711, 2023 U.S. Dist. LEXIS 174258, 2023 WL 6314577, at *5 (N.D. Ohio Sept. 28, 2023)
- Firestone v. CitiMortgage, Inc., No. 5:19-CV-1539, 2020 U.S. Dist. LEXIS 108592, 2020 WL 3433296, at *5-*6 (N.D. Ohio June 22, 2020)
- Blake v. Wells Fargo Bank, NA, 917 F. Supp. 2d 732, 737-38 (S.D. Ohio 2013)
- Younger v. Harris, 401 U.S. 37, 91 S.Ct. 746, 27 L.Ed.2d 669 (1971)