UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

Fluker v. Carr

Fluker · No. 2:22-cv-11992 · Decided December 15, 2025

SUMMARY

The United States District Court for the Eastern District of Michigan recommends denying Antonio Lynn Fluker, Jr.'s motion for default judgment against Gary Carr and sua sponte dismissing the plaintiff's claim under the Right to Financial Privacy Act. The court concluded that although the allegations were sufficient to establish potential liability, Fluker failed to prove actual or punitive damages, support his claimed legal expenses, or request the statutory damages available under the Act. The recommendation also noted that his $5 million damages demand was unsupported and excessive.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	Elizabeth A. Stafford
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	December 15, 2025
DOCKET	2:22-cv-11992
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff moved for default judgment under Federal Rule of Civil Procedure 55 after the clerk entered default against Defendant. The magistrate judge issued a report and recommendation recommending denial of default judgment and sua sponte dismissal of Plaintiff's Right to Financial Privacy Act claim.
STANDARD OF REVIEW	On default, well-pleaded factual allegations relating to liability are taken as true, but the plaintiff must prove the amount of damages. The court must also determine whether the admitted allegations establish the defendant's liability before entering default judgment.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Antonio Lynn Fluker, Jr. v. Gary Carr

TOPICS

default judgment | default | damages | remedies | civil procedure

PRACTICE AREAS

civil procedure | remedies | Right to Financial Privacy Act

QUESTIONS PRESENTED

1. Whether Fluker was entitled to default judgment when he failed to prove the amount of damages requested.
2. Whether the RFPA allegations supported an award of actual damages.
3. Whether the RFPA allegations supported an award of punitive damages.
4. Whether Fluker could recover motion fees or attorney fees while proceeding pro se.
5. Whether the RFPA claim should be sua sponte dismissed.

HOLDINGS

1. A default judgment should be denied when the plaintiff fails to prove the amount of damages sought, even though the defendant's default establishes the well-pleaded liability allegations as true.
2. Fluker was not entitled to actual damages because he failed to causally connect Carr's alleged disclosures to any actual financial loss.
3. Fluker was not entitled to punitive damages because he alleged no facts showing that Carr intentionally and willfully violated the RFPA.
4. Fluker could not recover attorney fees because he was proceeding pro se, and he provided no support for his request for motion fees or legal expenses.
5. The report and recommendation recommended sua sponte dismissal of Fluker's RFPA claim after denying default judgment.

KEY QUOTATIONS

> *"After a default, a court must determine whether the well-pleaded factual allegations in the complaint establish a defendant's liability."* (at 3)

> *"Upon entry of default, only those well-pleaded allegations relating to liability are taken as true."* (at 3)

> *"Where damages are unliquidated a default admits only defendant's liability and the amount of damages must be proved."* (at 3)

> *"Fluker's motion should still be denied because he has failed to meet his burden of showing his entitlement to the damages he seeks."* (at 4)

> *"An award of punitive damages requires a showing that the defendant intentionally and willfully violated the RFPA,"* (at 5)

FACTUAL BACKGROUND

Fluker alleged that in July 2020, Secret Service Special Agent Mark Varney contacted Gary Carr, a Fifth Third Bank vice president for financial crimes, regarding Fluker's account. Carr allegedly disclosed that Fluker had received a $450,000 deposit, provided Fluker's bank records to Varney, and froze the account without a subpoena, court order, search warrant, or Fluker's express consent. Fluker sought millions of dollars in actual and punitive damages, but supplied no evidence connecting the alleged disclosure to actual losses or showing a willful RFPA violation.

PROCEDURAL HISTORY

Fluker sued Carr under the Right to Financial Privacy Act, alleging that Carr disclosed his bank records to a Secret Service agent without consent or legally sufficient process. After Carr failed to timely answer, the clerk entered default, but denied Fluker's request for a $100 million default judgment. Fluker renewed his motion and later sought $3.5 million in actual damages, $1.5 million in punitive damages, and $2,500 in motion fees and legal expenses, without supporting proof. The magistrate judge recommended denial of the motion and sua sponte dismissal of the RFPA claim.

DISPOSITION

dismissed

CASES CITED

- New London Tobacco Mkt., Inc. v. Kentucky Fuel Corp., 44 F.4th 393, 403 (6th Cir. 2022)
- Thomas v. Bannum Place of Saginaw, 421 F. Supp. 3d 494, 499 (E.D. Mich. 2019)
- United States v. $525,695.24 Seized from JPMorgan Chase, 869 F.3d 429, 441 (6th Cir. 2017)
- In re Family Resorts of America, Inc., No. 91-4127, 1992 WL 174539, at *4 (6th Cir. 1992)
- Antoine v. Atlas Turner, Inc., 66 F.3d 105, 110 (6th Cir. 1995)
- Fluker v. Carr, No. 23-1921, 2024 WL 3262020, at *2 (6th Cir. June 28, 2024)
- Bond v. U.S. Postal Service Fed. Credit Union, 164 F. Supp. 3d 740, 750 (D. Md. 2015)
- Taylor v. Department of the Air Force, 18 F. Supp. 2d 1184, 1192 (D. Colo. 1998)
- Flowers v. First Hawaiian Bank, 295 F. Supp. 2d 1130, 1139 (D. Haw. 2003)
- Duncan v. Belcher, 813 F.2d 1335, 1339-40 (4th Cir. 1987)
- Howard v. Secretary of HHS, 932 F.2d 505 (6th Cir. 1991)
- Willis v. Secretary of HHS, 931 F.2d 390, 401 (6th Cir. 1991)

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