

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

U.S. Bank Trust National Association v. 2105 NW 1 LLC, et al.

U.S. Bank Trust (S.D. Fla. 2026) · No. 26-CV-21499-ELFENBEIN · Decided March 18, 2026

SUMMARY

The United States District Court for the Southern District of Florida remands a removed mortgage foreclosure action to Florida state court. The court concludes that the removing defendant failed to establish federal-question jurisdiction under the Fair Debt Collection Practices Act or diversity jurisdiction under 28 U.S.C. § 1332. The court closes the federal case, terminates all deadlines and hearings, and denies pending motions as moot.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	Marty Fulgueira Elfenbein
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	March 18, 2026
DOCKET	26-CV-21499-ELFENBEIN
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant Jorge Alvarino removed a Florida mortgage foreclosure action to federal court. After sua sponte questioning subject-matter jurisdiction and ordering Alvarino to show cause, the court remanded the action to state court.
STANDARD OF REVIEW	The court independently reviewed subject-matter jurisdiction sua sponte and applied the requirement that the removing party establish federal jurisdiction by a preponderance of the evidence.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Jorge Alvarino v. U.S. Bank Trust National Association

TOPICS

- subject matter jurisdiction
- civil procedure
- foreclosure
- mortgages
- real estate

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the federal court had federal-question jurisdiction over the removed mortgage foreclosure complaint under 28 U.S.C. § 1331.
2. Whether the federal court had diversity jurisdiction under 28 U.S.C. § 1332.
3. Whether the action should be remanded when the removing defendant failed to establish subject-matter jurisdiction.

HOLDINGS

1. The court lacked federal-question jurisdiction because the complaint asserted claims exclusively under Florida law and did not allege a claim arising under the Fair Debt Collection Practices Act or another provision of federal law.
2. The court could not establish diversity jurisdiction because the removing defendant failed to show complete diversity of citizenship among all parties.
3. Because federal subject-matter jurisdiction was not established, the action was required to be remanded to the state court from which it was removed.

KEY QUOTATIONS

“Because “[f]ederal courts are courts of limited jurisdiction,” they “possess only that power authorized by Constitution and statute, which is not to be expanded by judicial decree.””

“And no complete diversity means no diversity jurisdiction.”

FACTUAL BACKGROUND

U.S. Bank Trust filed an essentially mortgage foreclosure action relying exclusively on Florida law. Defendant Jorge Alvarino removed the action, asserting federal-question jurisdiction under the Fair Debt Collection Practices Act and identifying some, but not all, citizenship information for the parties. The complaint did not reference the FDCPA or another federal cause of action, and Alvarino did not respond to the court's order requiring clarification of federal-question and diversity jurisdiction.

PROCEDURAL HISTORY

U.S. Bank Trust filed a mortgage foreclosure complaint in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. Alvarino removed the action under 28 U.S.C. §§ 1441 and 1446, asserting federal-question jurisdiction under the Fair Debt Collection Practices Act. The federal court issued a show-cause order requiring Alvarino to establish federal-question or diversity jurisdiction, but he did not respond. The court concluded that subject-matter jurisdiction had not been established, remanded the case, closed the federal case, terminated deadlines and hearings, and denied pending motions as moot.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action is remanded to the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. The Clerk is directed to close the federal case; all deadlines and hearings are terminated, and pending motions are denied as moot.

CASES CITED

- Fun Depot, Inc. v. Carefree Park Corp., No. 05-CV-80969, 2006 WL 8433659, at *10 n.11 (S.D. Fla. Feb. 16, 2006)
- Johnson v. Wyeth, 313 F. Supp. 2d 1272, 1272-73 (N.D. Ala. 2004)
- In re U.S. Healthcare, 159 F.3d 142, 145 (3d Cir. 1998)
- Capital Bancshares, Inc. v. North Am. Guar. Ins. Co., 433 F.2d 279, 283 (5th Cir. 1970)
- Tannenbaum v. United States, 148 F.3d 1262, 1263 (11th Cir.)
- Bank of New York Mellon v. Bazile, No. 24-CV-60328, 2024 WL 5433074, at *1 (S.D. Fla. May 30, 2024)
- Woldeab v. DeKalb Cty. Bd. of Educ., 885 F.3d 1289, 1292 (11th Cir.)
- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Univ. of S. Ala. v. Am. Tobacco Co., 168 F.3d 405, 410 (11th Cir.)
- Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574, 583 (1999)
- Travaglio v. Am. Express Co., 735 F.3d 1266, 1268 (11th Cir.)
- Orchid Quay, LLC v. Suncor Bristol Bay, LLC, 178 F. Supp. 3d 1300, 1303 (S.D. Fla.)
- Triggs v. John Crump Toyota, Inc., 154 F.3d 1284, 1287 (11th Cir.)
- Rolling Greens MHP, L.P. v. Comcast SCH Holdings LLC, 374 F.3d 1020, 1021-22 (11th Cir.)
- Underwriters at Lloyd's, London v. Osting-Schwinn, 613 F.3d 1079, 1085 (11th Cir.)
- Pacheco de Perez v. AT&T Co., 139 F.3d 1368, 1373 (11th Cir.)
- Sonoc Co., LLC v. Manucy, No. 08-CV-409-J-25TEM, 2008 WL 11336348, at *2 (M.D. Fla. June 30, 2008)

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