

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE, NASHVILLE DIVISION

**Ronald G. Bellamy and Regina Bellamy v. 1 Public Homes, LLC and
Michael Moody**

Case No. 3:25-cv-00110 · No. 3:25-cv-00110 · Decided January 12, 2026

SUMMARY

The United States District Court for the Middle District of Tennessee grants Ronald and Regina Bellamy leave to proceed in forma pauperis but dismisses their pro se complaint without prejudice for lack of subject-matter jurisdiction. The court alternatively concludes that the complaint fails to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii), because merely citing the Truth in Lending Act rescission regulation does not establish a federal claim and the alleged transaction is exempt from rescission. The court certifies that any appeal would not be taken in good faith and directs the Clerk to enter judgment.

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee, Nashville Division
WRITING FOR THE COURT	Aleta A. Trauger
JURISDICTION	United States District Court for the Middle District of Tennessee, Nashville Division
DECIDED	January 12, 2026
DOCKET	3:25-cv-00110
DISPOSITION	dismissed
PROCEDURAL POSTURE	The pro se plaintiffs filed a complaint alleging wrongful foreclosure and eviction and sought leave to proceed in forma pauperis. The district court granted pauper status, conducted the mandatory screening required by 28 U.S.C. § 1915(e)(2)(B), and dismissed the action without prejudice for lack of subject-matter jurisdiction, alternatively dismissing it for failure to state a claim.
STANDARD OF REVIEW	De novo consideration of subject-matter jurisdiction at the initial screening stage; screening under 28 U.S.C. § 1915(e)(2)(B) for frivolousness, failure to state a claim, and claims seeking relief from immune defendants.

PRECEDENTIAL VALUE	unpublished
PARTIES	Ronald G. Bellamy, Regina Bellamy v. 1 Public Homes, LLC, Michael Moody

TOPICS

subject matter jurisdiction civil procedure wrongful foreclosure eviction rescission

PRACTICE AREAS

civil procedure real estate consumer protection remedies

QUESTIONS PRESENTED

1. Whether the complaint established federal-question jurisdiction by citing 12 C.F.R. § 1026.23's right of rescission.
2. Whether diversity jurisdiction existed where the plaintiffs and defendants were Tennessee residents.
3. Whether the complaint stated a viable claim for rescission or other relief under the Truth in Lending Act and its implementing regulation.
4. Whether the plaintiffs were entitled to proceed in forma pauperis.

HOLDINGS

1. The plaintiffs' joint IFP application was granted because their financial disclosures showed that they could not pay the \$405 filing fee without undue hardship.
2. The complaint did not establish federal-question jurisdiction merely by citing 12 C.F.R. § 1026.23 because it alleged no facts supporting a federal rescission claim.
3. Diversity jurisdiction was unavailable because the complaint involved Tennessee plaintiffs and Tennessee-resident defendants, and the complaint did not establish complete diversity.
4. Even if the court had jurisdiction and the complaint had expressly sought rescission, the claim would be subject to dismissal because the regulatory right of rescission did not apply to the alleged residential mortgage transaction and the complaint did not allege facts supporting rescission.

KEY QUOTATIONS

“Under the pauper statute, 28 U.S.C. § 1915(e)(2)(B), the Court must conduct an initial review and dismiss the Complaint if it is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief.” (§ II)

“For the above reasons, this case is DISMISSED WITHOUT PREJUDICE for lack of subject-matter jurisdiction.” (§ III)

FACTUAL BACKGROUND

Ronald and Regina Bellamy alleged that they purchased a Tennessee home in 2019 and later lost it through what they characterized as a fraudulent foreclosure and wrongful eviction. After the foreclosure and eviction in January 2025, their furniture and other personal belongings were placed on the home's front lawn and allegedly destroyed, and they were given 24 hours to clean up the property. The foreclosure property was ultimately sold to 1 Public Homes, LLC, and the plaintiffs sought replacement furnishings, damages for pain and suffering, costs, attorney fees, and to be left alone.

PROCEDURAL HISTORY

Plaintiffs filed the federal complaint on January 30, 2025, invoking federal-question jurisdiction based primarily on the alleged right to rescind under 12 C.F.R. § 1026.23. The court granted the joint IFP application, reviewed the complaint, concluded that the parties were nondiverse and that the complaint did not adequately assert a federal claim, and dismissed the case without prejudice. The court also certified that any appeal would not be taken in good faith and directed the Clerk to enter judgment.

DISPOSITION

dismissed

CASES CITED

- Foster v. Cuyahoga Department of Health and Human Services, 21 F. App'x 239, 240 (6th Cir. 2001)
- Ongori v. Hawkins, No. 16-2781, 2017 WL 6759020, at *1 (6th Cir. Nov. 15, 2017)
- Lee v. Money Gram Corporate Office, No. 15-CV-13474, 2016 WL 3524332, at *1 (E.D. Mich. May 23, 2016)
- Akno 1010 Market Street St. Louis Missouri LLC v. Pourtaghi, 43 F.4th 624, 627 (6th Cir. 2022)
- Miller v. Bruenger, 949 F.3d 986, 990 (6th Cir. 2020)
- Henderson ex rel. Henderson v. Shinseki, 562 U.S. 428, 434 (2011)
- Revere v. Wilmington Finance, 406 F. App'x 936, 937 (6th Cir. 2011)
- American Federation of Television and Radio Artists, AFL-CIO v. WJBK-TV, 164 F.3d 1004, 1007 (6th Cir. 1999)
- Hopkins v. Mercy Health Springfield Regional Medical Center, No. 3:24-CV-00155, 2025 WL 446134, at *5 (S.D. Ohio Feb. 10, 2025)
- Jamison v. Hart Realty, No. 01-03143, 2001 U.S. App. LEXIS 18054, at *5 (6th Cir. Aug. 6, 2001)
- Mastin v. Ditech Financial, LLC, No. 3:17CV368, 2018 WL 524871, at *11 (E.D. Va. Jan. 23, 2018)
- ARJN #3 v. Cooper, 517 F. Supp. 3d 732, 747 (M.D. Tenn. 2021)
- Lynch v. Leis, 382 F.3d 642, 647 n.5 (6th Cir. 2004)

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