

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
LOUISIANA

Walter C. Dumas v. U.S. Bank National Association, as Trustee for
RFMSI 2005S7, et al.

Dumas · No. No. 25-00447-BAJ-RLB · Decided January 23, 2026

SUMMARY

The United States District Court for the Middle District of Louisiana denied Walter C. Dumas’s motion to remand and granted the motions to dismiss or for judgment on the pleadings filed by Sheriff Sid J. Gautreaux, III, U.S. Bank National Association, and Onity Group Inc. The court adopted the Magistrate Judge’s conclusion that the property-description issue concerning the foreclosure seizure and sale was barred by issue preclusion and that the federal claims could not proceed. The claims against all defendants were dismissed with prejudice, and the request for oral argument was denied.

CASE DETAILS

COURT	United States District Court for the Middle District of Louisiana
WRITING FOR THE COURT	Brian A. Jackson
JURISDICTION	United States District Court for the Middle District of Louisiana
DECIDED	January 23, 2026
DOCKET	No. 25-00447-BAJ-RLB
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a Magistrate Judge's Report and Recommendation addressing Plaintiff's motion to remand, a defendant's motion to dismiss, and other defendants' motion for judgment on the pleadings. Plaintiff objected to the Report and Recommendation and requested oral argument.
STANDARD OF REVIEW	The district court reviewed the Magistrate Judge's Report and Recommendation and Plaintiff's objections, considered the challenged jurisdictional and preclusion issues, and adopted the Report as its opinion.
PRECEDENTIAL VALUE	Unknown

TOPICS

motions to dismiss

motion for judgment on the pleadings

res judicata

foreclosure

section 1983

PRACTICE AREAS

civil procedure

real estate

civil rights

foreclosure

remedies

QUESTIONS PRESENTED

1. Whether remand was required because the entity formerly known as Ocwen Financial Corporation did not separately consent to removal.
2. Whether issue preclusion barred Plaintiff from relitigating the legality of the seizure and foreclosure sale based on the alleged discrepancy in property descriptions.
3. Whether Plaintiff's allegations that Sheriff Gautreaux failed to read or follow the relevant foreclosure documents supported a claim notwithstanding qualified immunity.

HOLDINGS

1. Remand was not required because the proper defendant, Onity Group, Inc., formerly known as Ocwen Financial Corporation, joined the notice of removal through counsel authorized to act on its behalf.
2. Issue preclusion barred Plaintiff from relitigating the legality of the seizure and sale based on the alleged property-description discrepancy because the issue had been actually litigated and its determination was essential to the prior state-court judgment.
3. Plaintiff's claims against Sheriff Gautreaux were dismissed with prejudice because Plaintiff presented no new argument sufficient to overcome the prior determination that the property-description issue was immaterial to the legality of the foreclosure sale.

KEY QUOTATIONS

“A writ of seizure and sale in an executory proceeding instituted by a foreclosing creditor against the borrower is a final judgment for res judicata purposes once the sale has occurred.” (Doc. 49 at 15)

“It is sufficient that consent to removal come from some person purporting to act formally on the defendant's behalf and with the authority to do so.” (Doc. 49 at 6)

FACTUAL BACKGROUND

Plaintiff alleged that Defendants jointly participated with Louisiana state officials in the seizure and sale of his property in violation of federal law and the Constitution. His principal theory was that the property description in the writ and related documents differed from the description in an amended final judgment. In the prior state foreclosure proceeding, Plaintiff raised the same property-description argument, but the state court vacated a stay, denied and dismissed his petition with prejudice, and allowed the sale to proceed.

PROCEDURAL HISTORY

Plaintiff brought claims under 42 U.S.C. § 1983 concerning the seizure and sale of his home. The case was removed to federal court, where Plaintiff moved to remand and Defendants moved to dismiss or obtain judgment

on the pleadings. The Magistrate Judge recommended denying remand and dismissing Plaintiff's claims with prejudice; the district court adopted the recommendation, denied oral argument, denied remand, granted the dispositive motions, and ordered dismissal with prejudice.

DISPOSITION

dismissed

CASES CITED

- Nixon v. Wheatley, 368 F. Supp. 2d 635, 639 (E.D. Tex. 2005)
- Cavalier, 2015 WL 4429247, at *3

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-middle-district-of-loui/2026/walter-c-dumas-v-u-s-bank-national-association-as-trustee-tokyy61p>