

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
NORTH CAROLINA, CHARLOTTE DIVISION

Koy Lynn Chiu v. Global Realty Investor Trust Mgmt, et al.

No. 3:25-CV-00583-MEO (W.D.N.C. June 25, 2026) · No. 3:25-CV-00583-MEO · Decided June 25, 2026

SUMMARY

The United States District Court for the Western District of North Carolina dismissed Koy Lynn Chiu’s claims seeking to challenge a state-court foreclosure proceeding. The court held that the Rooker-Feldman doctrine deprived it of subject-matter jurisdiction because the requested relief would require review and rejection of the state-court foreclosure order. Defendants’ motions to dismiss were granted, Plaintiff’s pending motions were denied as moot, and the case was closed.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                            |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of North Carolina, Charlotte Division                                                                                                                                                                                                                                |
| WRITING FOR THE COURT | Matthew E. Orso                                                                                                                                                                                                                                                                                                            |
| JURISDICTION          | United States District Court for the Western District of North Carolina, Charlotte Division                                                                                                                                                                                                                                |
| DECIDED               | June 25, 2026                                                                                                                                                                                                                                                                                                              |
| DOCKET                | 3:25-CV-00583-MEO                                                                                                                                                                                                                                                                                                          |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                  |
| PROCEDURAL POSTURE    | Plaintiff filed a federal action seeking to rescind a state foreclosure sale and restore title. Defendants moved to dismiss, and plaintiff moved for temporary restraining orders, emergency relief, correction of a service defect, and leave to amend the caption.                                                       |
| STANDARD OF REVIEW    | Subject-matter jurisdiction is a threshold issue that must be resolved before consideration of the merits. The court also noted the Rule 12(b) (6) standard permitting judicial notice of public records and consideration of documents integral to the complaint and authentic documents attached to a motion to dismiss. |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                                                                                                                                |
| PARTIES               | Koy Lynn Chiu v. Global Realty Investor Trust Mgmt, et al.                                                                                                                                                                                                                                                                 |

TOPICS

subject matter jurisdiction

motions to dismiss

wrongful foreclosure

foreclosure

civil procedure

## PRACTICE AREAS

civil procedure

federal jurisdiction

foreclosure

real estate

consumer protection

## QUESTIONS PRESENTED

1. Whether the federal district court had subject-matter jurisdiction over claims seeking to invalidate or obtain review of a state-court foreclosure judgment.
2. Whether the court could reach the merits of defendants' motions to dismiss and plaintiff's pending motions after determining that subject-matter jurisdiction was absent.

## HOLDINGS

1. The federal district court lacked subject-matter jurisdiction because plaintiff was a state-court loser seeking federal review and rejection of a final state-court foreclosure judgment.
2. Because subject-matter jurisdiction was lacking, the court could not consider the merits of the pending motions; defendants' motions to dismiss were granted, plaintiff's motions were denied as moot, and the action was dismissed in its entirety.

## KEY QUOTATIONS

*“Under the Rooker-Feldman doctrine, federal district courts lack jurisdiction over ‘cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.’”* (Discussion)

*“It is therefore apparent that the Court lacks jurisdiction to grant the relief Plaintiff seeks, because doing so would effectively invalidate a final order issued in a state court foreclosure proceeding.”* (Discussion)

## FACTUAL BACKGROUND

The case concerned a foreclosure proceeding involving property at 12937 Silvaire Farm Road in Mecklenburg County, North Carolina. Plaintiff asserted claims under the Fair Debt Collection Practices Act, the Real Estate Settlement Procedures Act, the Truth in Lending Act, 42 U.S.C. § 1983, and unspecified North Carolina law. She sought rescission of the foreclosure sale and restoration of title. Plaintiff also sought emergency relief concerning a different property, located at 15007 Autumn Sage Drive.

## PROCEDURAL HISTORY

The action arose from a foreclosure proceeding in the Mecklenburg County, North Carolina Superior Court. That court issued an Order Permitting Foreclosure and Dismissing Appeal, allowing a foreclosure sale of plaintiff's property. Plaintiff then filed this federal action seeking review and rejection of the state-court foreclosure judgment. The federal court granted defendants' motions to dismiss for lack of subject-matter jurisdiction, denied plaintiff's pending motions as moot, and directed the Clerk to close the case.

## DISPOSITION

dismissed

#### CASES CITED

- 2026 WL 1751823, at \*5 (U.S. June 18, 2026)
- 607 U.S. 421, 424 (2026)
- 398 U.S. 281, 286 (1970)
- 544 U.S. 280, 284 (2005)
- 526 F. App'x 231, 236 (4th Cir. 2013)
- 2018 U.S. Dist. LEXIS 114380, at \*4 (W.D.N.C. July 10, 2018)
- 2014 WL 2861800, at \*2-\*3 (W.D.N.C. June 24, 2014)
- 2015 WL 3952332, at \*3 (E.D.N.C. June 29, 2015)
- 572 F.3d 176, 180 (4th Cir. 2009)

#### OPINION

Chiu

PER CURIAM.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF NORTH CAROLINA

CHARLOTTE DIVISION

3:25-CV-00583-MEO

KOY LYNN CHIU, )

) Plaintiff, ) )

v. ) MEMORANDUM & ORDER

)

GLOBAL REALTY INVESTOR TRUST )

MGMT, ET AL., )

) Defendants. ) ) THIS MATTER is before the Court on Defendants' Motions to Dismiss (Doc. Nos. 18, 24, 28, 32, 33, 45, 54, 66, 71), as well as Plaintiff's Motion for Temporary Restraining Order and for Emergency Relief, Amended Motion for Temporary Restraining Order, Motion to Cure Service Defect, and Motion for Leave to Amend Caption (Doc. Nos. 60, 76, 74, 80). For the reasons explained below, the Court will grant Defendants' motions, dismiss Plaintiff's complaint, and deny as moot Plaintiff's outstanding motions.

#### I. BACKGROUND

This matter arises out of a property foreclosure proceeding in the North Carolina Superior Court for Mecklenburg County. (Doc. Nos. 1 at 9; 1-1 at 9). On August 4, 2025, Plaintiff filed this action in an attempt to restore her rights in the property located at 12937 Silvaire Farm Road. (Doc. No. 1 at 9; 1-1 at 2–3). Plaintiff asserts claims under the Fair Debt Collection Practices Act ("FDCPA"),

the Real Estate Settlement Procedures Act (“RESPA”), the Truth in Lending Act (“TILA”), 42 U.S.C. § 1983, and “North Carolina Law.”<sup>1</sup> (Doc. No. 1 at 7, 9). She asks this Court to rescind the foreclosure sale and restore title in Plaintiff’s name. (Doc. No. 1 at 9). Numerous Defendants filed motions to dismiss. (Doc. Nos. 18, 24, 28, 32, 33, 45, 54, 66, 71). On November 26, 2025, Plaintiff filed an Emergency Motion for Temporary Restraining Order and for Emergency Injunctive Relief. (Doc. No. 60). She requested the Court to enjoin a foreclosure sale scheduled for December 4, 2025, on a different property—one located at 15007 Autumn Sage Drive. (Doc. No. 60 at 1). Nearly two months later, she filed an Amended Motion for Temporary Restraining Order and Emergency Relief to prevent a “wrongful foreclosure.” (Doc. No. 76 at 1).<sup>2</sup>

## II. DISCUSSION

“Federal courts are courts of limited jurisdiction and generally can resolve only the cases that Congress grants them power to hear.” , No. 25-197, 2026 WL 1751823, at \*5 (U.S. June 18, 2026) (quoting , 607 U.S. 421, 424 (2026)). “Congress in 28 U.S.C. § 1331 granted federal district courts ‘original jurisdiction of all civil actions’ raising federal questions. District courts generally lack ‘any power to review directly cases from state courts.’” , 2026 WL 1751823, at \*5 (quoting , 398 U.S. 281, 286 (1970)). “Under what has become known as 1 Plaintiff does not specify under which North Carolina law she brings a claim. 2 Plaintiff did not specify the address of the property in her amended motion, but she wrote the “request is not duplicative of the original lawsuit but is a standalone emergency matter.” (Doc. No. 76 at 2). the doctrine, federal district courts lack jurisdiction over ‘cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.’” , 2026 WL 1751823, at \*3 (quoting , 544 U.S. 280, 284 (2005)). The - doctrine bars claims by borrowers who challenge state foreclosure judgments in federal court. , 526 F. App’x 231, 236 (4th Cir. 2013) (concluding that barred the federal district court from hearing borrower’s claim challenging a state foreclosure proceeding when the court would have to review and overturn the state court’s determinations to grant the relief requested); , No. 3:18-cv-00283-MOC, 2018 U.S. Dist. LEXIS 114380, at \*4 (W.D.N.C. July 10, 2018) (“Courts have consistently applied the doctrine to dismiss claims requesting federal district court review of a state court’s foreclosure proceedings.”); , No. 3:14-CV-165-FDW, 2014 WL 2861800, at \*2–3 (W.D.N.C. June 24, 2014) (“Under the Rooker-Feldman doctrine, federal courts lack subject matter jurisdiction to sit in appellate review of judicial determinations made in state courts.”) (applying - doctrine to claims brought under RESPA, TILA, and FDCPA). And under North Carolina law, an Order Permitting Foreclosure is a final “judicial act” that may be appealed to the appropriate state court within ten days of its entry. N.C. Gen. Stat. § 45-21.16(d1); , No. 5:14-CV-862-D, 2015 WL 3952332, at \*3 (E.D.N.C. June 29, 2015) (citing cases) (“Any issue that the clerk decides in a foreclosure proceeding pursuant to N.C. Gen. Stat. § 45-21.16(d[1]) is conclusive unless appealed and reversed and cannot be relitigated in a subsequent lawsuit.”). Here, Plaintiff received an adverse judgment relating to a foreclosure in state court and has turned to this

Court seeking review and rejection of the state court judgment. This is impermissible. , 2026 WL 1751823, at \*4. The Mecklenburg County Superior Court issued its Order Permitting Foreclosure and Dismissing Appeal, which allowed a foreclosure sale of Plaintiff's property. (Doc. No. 29-1).<sup>3</sup> It is therefore apparent that the Court lacks jurisdiction to grant the relief Plaintiff seeks, because doing so would effectively invalidate a final order issued in a state court foreclosure proceeding. Because the Court lacks subject-matter jurisdiction over this case, it may not consider the merits of the pending motions. The loss of one's home is an extraordinarily difficult and deeply personal hardship. The Court recognizes the profound impact of such a loss and extends its sincere empathy to Plaintiff during this challenging time. However, this Court is not the right forum for Plaintiff's allegations. To the extent Plaintiff has valid claims related to the disputed foreclosure, those claims belong in the North Carolina state courts. Accordingly, Defendants' motions to dismiss are granted, Plaintiff's motions <sup>3</sup> The Court may take judicial notice of official court documents and does so here. , 572 F.3d 176, 180 (4th Cir. 2009) ("In reviewing a Rule 12(b)(6) dismissal, [the Court] may properly take judicial notice of matters of public record" and "consider documents attached to the complaint, Fed. R. Civ. P. 10(c), as well as those attached to the motion to dismiss, so long as they are integral to the complaint and authentic."). are denied as moot, and this action is dismissed in its entirety.

#### CONCLUSION

IT IS, THEREFORE, ORDERED that:

1. Defendants' Motions to Dismiss (Doc. Nos. 18, 24, 28, 32, 33, 45, 54, 66, 71) are GRANTED, and Plaintiff's Complaint is DISMISSED;
2. Plaintiff's Motions (Doc. Nos. 60, 74, 76, 80) are DENIED AS MOOT; and
3. The Clerk is directed to close this case.

SO ORDERED. Signed: June 25, 2026 Matthew E. Orso ☐☐ United States District Judge ey