

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NORTH CAROLINA

Marilena Murphy, individually and on behalf of a class of other
similarly situated persons v. Dollar Tree, Inc.

Murphy v. Dollar Tree · No. 1:25-cv-00397-MR-WCM · Decided February 9, 2026

SUMMARY

The United States District Court for the Western District of North Carolina granted the plaintiff’s motion to remand a putative class action alleging violations of the Fair and Accurate Credit Transactions Act. The court held that the plaintiff’s alleged receipt digit-truncation violation and related harms did not establish a concrete injury-in-fact under Article III, leaving the court without subject-matter jurisdiction, and remanded the case to Buncombe County Superior Court.

CASE DETAILS

COURT	United States District Court for the Western District of North Carolina
JURISDICTION	United States District Court for the Western District of North Carolina
DECIDED	February 9, 2026
DOCKET	1:25-cv-00397-MR-WCM
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a putative class action removed from North Carolina state court. The motion challenged federal subject matter jurisdiction on the ground that Plaintiff lacked Article III standing because the alleged FACTA violation did not cause a concrete injury.
STANDARD OF REVIEW	The removing party bears the burden of demonstrating that federal jurisdiction exists. Removal jurisdiction is construed strictly, doubts are resolved in favor of remand, and remand is required if the district court lacks subject matter jurisdiction.
PRECEDENTIAL VALUE	unpublished district court memorandum decision; persuasive authority only
PARTIES	Marilena Murphy, individually and on behalf of a class of other similarly situated persons v. Dollar Tree, Inc.

TOPICS

standing

subject matter jurisdiction

civil procedure

class actions

consumer protection

PRACTICE AREAS

civil procedure

constitutional law

consumer protection

federal jurisdiction

QUESTIONS PRESENTED

1. Whether Plaintiff alleged a concrete injury-in-fact sufficient to establish Article III standing for a FACTA digit-truncation claim.
2. Whether the district court had subject matter jurisdiction over the removed action when Plaintiff lacked Article III standing.
3. Whether the action should be remanded to state court under 28 U.S.C. § 1447(c).

HOLDINGS

1. A FACTA digit-truncation violation, standing alone, does not establish Article III standing; the plaintiff must identify a concrete injury, including a nonspeculative risk of identity theft or another legally cognizable harm.
2. Because Plaintiff lacked Article III standing, the district court lacked subject matter jurisdiction and was required to remand the action to state court.

KEY QUOTATIONS

“Only those plaintiffs who have been concretely harmed by a defendant’s statutory violation may sue that private defendant over that violation in federal court.” (III)

“Cases involving the Fair and Accurate Credit Transactions Act (“FACTA”), 15 U.S.C. § 1681 et seq., show that a FACTA digit-truncation violation isn’t a concrete injury unless it creates a nonspeculative risk of identity theft.” (III)

“In sum, none of the Plaintiff’s injury allegations identify a concrete injury-in-fact. As a result, and as the Plaintiff herself contends, the Plaintiff lacks Article III standing.” (III-IV)

FACTUAL BACKGROUND

Murphy initiated a putative class action alleging that Dollar Tree provided her a receipt displaying the first six and last four digits of her debit-card number, allegedly violating FACTA's digit-truncation requirement. She alleged that thousands of other customers received similarly noncompliant receipts. The complaint also alleged privacy, economic, time-loss, benefit-of-the-bargain, and identity-theft-risk injuries, but alleged that Murphy secured the receipt and did not identify any third party who actually viewed or received her information.

PROCEDURAL HISTORY

Plaintiff filed a putative class action in Buncombe County Superior Court alleging that Dollar Tree violated FACTA by printing too many digits of her debit-card number on a receipt. Dollar Tree removed the action under

federal-question jurisdiction and the Class Action Fairness Act. The district court granted Plaintiff's motion to remand after concluding that Plaintiff had not alleged a concrete injury sufficient for Article III standing.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case was remanded to the General Court of Justice Superior Court Division of Buncombe County, North Carolina. The clerk was directed to provide a certified copy of the order to the Buncombe County Superior Court Clerk.

CASES CITED

- Mulcahey v. Columbia Organic Chemicals Co., 29 F.3d 148, 151 (4th Cir. 1994)
- Dixon v. Coburg Dairy, Inc., 369 F.3d 811, 816 (4th Cir. 2004) (en banc)
- Palisades Collections LLC v. Shorts, 552 F.3d 327, 336 (4th Cir. 2008)
- Raines v. Byrd, 521 U.S. 811, 818 (1997)
- TransUnion LLC v. Ramirez, 594 U.S. 413, 423-31 (2021)
- Parsons v. United Collections Bureau, Inc., 2022 WL 17095204, at *2 (W.D.N.C. Nov. 21, 2022)
- Garey v. James S. Farrin, P.C., 35 F.4th 917, 921 (4th Cir. 2022)
- O'Leary v. TrustedID, Inc., 60 F.4th 240, 243 (4th Cir. 2023)
- Dreher v. Experian Information Solutions, Inc., 856 F.3d 337, 344-47 (4th Cir. 2017)
- Locklear v. NTY Franchise Co., LLC, 2023 WL 6972983, at *2-*4 (E.D.N.C. Oct. 23, 2023)
- Kamal v. J. Crew Group, Inc., 918 F.3d 102, 114, 119 (3d Cir. 2019)
- Muransky v. Godiva Chocolatier, Inc., 979 F.3d 917, 936 (11th Cir. 2020) (en banc)
- Heuer v. Smithsonian Institution, 619 F. Supp. 3d 202, 211 (D.D.C. 2022)
- Barrientos v. Williams-Sonoma, Inc., 2023 WL 5720855 (N.D. Ill. Sept. 1, 2023)
- Peskett v. Designer Brands, Inc., 2020 WL 2519887 (C.D. Cal. May 18, 2020)
- Siglin v. Sixt Rent a Car, LLC, 2020 WL 3468220 (S.D. Cal. June 25, 2020)
- Johnson v. Sonic Corp., 2020 WL 7643497 (D. Kan. Dec. 23, 2020)
- Whisman v. Designer Brands Inc., 2021 WL 2389544 (S.D. Fla. June 11, 2021)
- Keim v. Trader Joe's Co., 2020 WL 564120 (C.D. Cal. Feb. 5, 2020)
- Colin v. Alpargatas USA, Inc., 2022 WL 557179 (C.D. Cal. Feb. 4, 2022)
- Kamel v. Hibbett, Inc., 2022 WL 2905446, at *2 n.1 (C.D. Cal. July 22, 2022)