UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

Ammerman v. Capital One Bank

No. CIV-25-01047-JD (W.D. Okla. Mar. 5, 2026) · No. CIV-25-01047-JD · Decided March 5, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma granted Capital One Bank's motion to dismiss Bradley Ammerman's amended complaint and denied his motion for leave to file a second amended complaint. The court dismissed with prejudice claims under the Fair Debt Collection Practices Act, the Fair Credit Reporting Act, and the Oklahoma Consumer Protection Act, concluding that the FDCPA did not apply to Capital One, the OCPA claim was inadequately pleaded and preempted, and the proposed FCRA amendment would be futile. The order was entered on March 5, 2026.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	March 5, 2026
DOCKET	CIV-25-01047-JD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the amended complaint, and plaintiff moved for leave to file a second amended complaint. The district court granted the motion to dismiss, denied leave to amend as futile, and dismissed all claims with prejudice.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded facts as true and views them in the light most favorable to the nonmoving party, but requires factual matter sufficient to state a facially plausible claim. Pro se pleadings are liberally construed, but the court will not act as the plaintiff's advocate or supply missing factual allegations. Leave to amend may be denied when the proposed amendment would be futile because the amended claim would be subject to dismissal.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive but not precedential outside the case.

PARTIES Bradley Ammerman v. Capital One Bank

TOPICS

motions to dismiss · motion to amend · credit reporting · fair debt collection · consumer protection

PRACTICE AREAS

Civil procedure · Consumer protection · Fair Credit Reporting Act · Fair Debt Collection Practices Act · Federal preemption

QUESTIONS PRESENTED

1. Whether Capital One was a debt collector subject to the FDCPA when collecting a debt allegedly owed to Capital One itself.
2. Whether the amended complaint stated a plausible claim under the Oklahoma Consumer Protection Act based on alleged reporting of an unverified debt.
3. Whether the FCRA preempted the Oklahoma Consumer Protection Act claim insofar as it was based on furnishing information to consumer reporting agencies.
4. Whether the amended complaint stated a private claim under 15 U.S.C. § 1681s-2(a) or a plausible claim under § 1681s-2(b).
5. Whether the proposed second amended complaint stated a plausible § 1681s-2(b) claim or whether amendment would be futile.

HOLDINGS

1. Capital One was not a debt collector within the meaning of the FDCPA because the alleged debt was owed to Capital One itself, and the complaint did not allege that Capital One used another name indicating that a third party was collecting the debt. The FDCPA claim was therefore dismissed with prejudice.
2. The amended complaint failed to state a plausible Oklahoma Consumer Protection Act claim because its single allegation that Capital One engaged in deceptive and unfair trade practices by attempting to enforce an unverified debt was a conclusory recital of a cause of action.
3. The FCRA preempted the Oklahoma Consumer Protection Act claim because the claim was based on subject matter regulated by 15 U.S.C. § 1681s-2 concerning the responsibilities of persons furnishing information to consumer reporting agencies.
4. The amended complaint failed to state a private claim under 15 U.S.C. § 1681s-2(a) and failed to state a claim under § 1681s-2(b) because it alleged only that Ammerman, rather than a consumer reporting agency, notified Capital One of the dispute.
5. Leave to amend was properly denied as futile because the proposed second amended complaint merely recited the elements of a § 1681s-2(b) claim and did not identify the inaccurate information disputed

with the consumer reporting agencies or allege facts showing that Capital One's investigation was unreasonable.

KEY QUOTATIONS

> *"To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'"* (II.A)

> *"Mr. Ammerman's proposed amended § 1681s-2(b) claim consists of "labels and conclusions" and "a formulaic recitation of the elements of a cause of action," which the Supreme Court has stated is insufficient to state a claim."* (III.C.2)

> *"For these reasons, the Court GRANTS Capital One's Motion to Dismiss and DISMISSES Plaintiff Ammerman's claims with prejudice."* (IV)

FACTUAL BACKGROUND

Ammerman alleged that he owed Capital One approximately $29,901, disputed the debt in writing, and claimed that Capital One continued reporting negative information to credit bureaus. His amended complaint asserted claims under the FDCPA, the FCRA, and the Oklahoma Consumer Protection Act, based primarily on Capital One's alleged credit-reporting conduct. His proposed second amended complaint alleged that he disputed information with one or more consumer reporting agencies, that the agencies notified Capital One, and that Capital One failed to conduct a reasonable investigation, but did not identify the allegedly inaccurate information or facts showing why the investigation was unreasonable.

PROCEDURAL HISTORY

Ammerman initially filed an FCRA action against Capital One in state court, which Capital One removed to the Western District of Oklahoma. Ammerman voluntarily dismissed that action on September 16, 2025. While the first action was pending, he filed a second state-court action alleging that Capital One falsely reported information about an account to credit bureaus; Capital One removed the second action based on federal-question jurisdiction. After Capital One moved to dismiss, Ammerman amended once as of right. He then sought leave to file a second amended complaint asserting only an FCRA claim under 15 U.S.C. § 1681s-2(b).

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Peterson v. Grisham, 594 F.3d 723, 727 (10th Cir. 2010)
- Brokers' Choice of Am., Inc. v. NBC Universal, Inc., 861 F.3d 1081, 1104-05 (10th Cir. 2017)
- Whitney v. New Mexico, 113 F.3d 1170, 1173-74 (10th Cir. 1997)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)

- Calderon v. Kan. Dep't of Soc. & Rehab. Servs., 181 F.3d 1180, 1187 (10th Cir. 1999)
- Jefferson Cnty. Sch. Dist. No. R-1 v. Moody's Investor's Servs., Inc., 175 F.3d 848, 859 (10th Cir. 1999)
- Anderson v. Merrill Lynch Pierce Fenner & Smith, Inc., 521 F.3d 1278, 1288 (10th Cir. 2008)
- Gohier v. Enright, 186 F.3d 1216, 1218 (10th Cir. 1999)
- Bridge v. Ocwen Fed. Bank, FSB, 681 F.3d 355, 358 (6th Cir. 2012)
- Choate v. Champion Home Builders Co., 222 F.3d 788, 792 (10th Cir. 2000)
- English v. Gen. Elec. Co., 496 U.S. 72, 78 (1990)
- Pinson v. Equifax Credit Info. Servs., 316 F. App'x 744, 747, 750-51 (10th Cir. 2009) (unpublished)
- Taylor v. Discover Card Servs., Inc., No. CIV-15-126-RAW, 2016 WL 1070711, at *2 (E.D. Okla. Mar. 18, 2016)
- Dill v. Comenity Bank/Sports Auth., No. CIV-13-1321-D, 2014 WL 1432502, at *3 (W.D. Okla. Apr. 14, 2014)
- Macpherson v. JPMorgan Chase Bank, N.A., 665 F.3d 45, 47-48 (2d Cir. 2011)
- Purcell v. Bank of Am., 659 F.3d 622, 625 (7th Cir. 2011)
- Thomas v. Wells Fargo Bank, N.A., No. 2:13-CV-686-PMW, 2014 WL 657394, at *4 (D. Utah Feb. 20, 2014)
- Campbell v. Countrywide Home Loans, Inc., Case No. CIV-08-761-R, 2008 WL 11420073, at *3 (W.D. Okla. Sept. 22, 2008)
- Kan. Penn Gaming, LLC v. Collins, 656 F.3d 1210, 1214 (10th Cir. 2011)
- Reeves v. Nelnet Loan Servs., No. 4:17-cv-3726, 2018 WL 2200112, at *4 (S.D. Tex. May 14, 2018)
- Littleton v. Experian Info. Sols., Inc., No. 5:15-cv-01619-EJD, 2015 WL 4638308, at *2 (N.D. Cal. Aug. 4, 2015)
- Maiteki v. Marten Transp. Ltd., 828 F.3d 1272, 1275 (10th Cir. 2016)
- Hampton v. Barclays Bank Del., No. 18-4071-DDC-ADM, 2019 WL 6727083, at *9-10 (D. Kan. Dec. 11, 2019)
- Iyigun v. Cavalry Portfolio Servs., LLC, No. CV-12-8682-MWF (JEMx), 2013 WL 950947, at *2 (C.D. Cal. Mar. 12, 2013)
- Hoang v. Wilkie, No. 1:18-cv-01755-RM-KLM, 2020 WL 6156563, at *7 (D. Colo. Oct. 21, 2020)
- Equal Emp. Opportunity Comm'n v. Roark-Whitten Hosp. 2, LP, 28 F.4th 136, 150 (10th Cir. 2022)
- Grossman v. Novell, Inc., 120 F.3d 1112, 1126 (10th Cir. 1997)