

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Tommy-Lee Kirk v. Frank Shoffner, et al.

Kirk v. Shoffner · No. 25-1291-JWB · Decided February 9, 2026

SUMMARY

The United States District Court for the District of Kansas adopts a magistrate judge’s report and recommendation and dismisses Tommy-Lee Kirk’s complaint without prejudice for lack of subject-matter jurisdiction. The court holds that the Rooker-Feldman doctrine bars the action because Kirk’s claims are effectively challenges to judgments and proceedings in an ongoing Kansas state-court mortgage-foreclosure case. Kirk’s objections and remaining motions are denied or denied as moot.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Broomes
JURISDICTION	United States District Court for the District of Kansas
DECIDED	February 9, 2026
DOCKET	25-1291-JWB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's report and recommendation recommending dismissal for lack of subject matter jurisdiction. The district court conducted de novo review of the properly objected-to portions, adopted the report and recommendation, dismissed the complaint without prejudice, and denied plaintiff's remaining motions as moot.
STANDARD OF REVIEW	The district court reviews properly objected-to portions of a magistrate judge's disposition de novo under Federal Rule of Civil Procedure 72(b)(3). The court may review portions to which no proper objection is made under any standard it deems appropriate.
PRECEDENTIAL VALUE	nonprecedential district court memorandum and order
PARTIES	Tommy-Lee Kirk v. Frank Shoffner, Credit Union of America, Sam Grove

TOPICS

subject matter jurisdiction

foreclosure

mortgages

civil procedure

due process

PRACTICE AREAS

civil procedure

civil rights

real estate litigation

mortgage foreclosure

QUESTIONS PRESENTED

1. Whether the federal district court had subject matter jurisdiction over plaintiff's claims challenging or arising from an ongoing Kansas state-court mortgage foreclosure proceeding.
2. Whether the Rooker-Feldman doctrine barred plaintiff's federal action because the requested relief would require the district court to review or reject state-court judgments.
3. Whether the district court should adopt the magistrate judge's report and recommendation after plaintiff filed objections.

HOLDINGS

1. The district court lacked subject matter jurisdiction because plaintiff's claims sought relief from injuries allegedly caused by state-court foreclosure proceedings and judgments, placing them within the Rooker-Feldman doctrine.
2. The court overruled plaintiff's objections, adopted the magistrate judge's report and recommendation, and dismissed the complaint without prejudice.

KEY QUOTATIONS

"The essential point is that barred claims are those complaining of injuries caused by state-court judgments."

"The court cannot do so."

"Therefore, this court lacks subject matter jurisdiction over this matter."

FACTUAL BACKGROUND

Credit Union of America filed a Kansas state-court action to foreclose a mortgage on real property after Tommy-Lee Kirk and Chantel Kirk allegedly defaulted. The state court entered judgment for the credit union in April 2025 and scheduled a sheriff's sale. Kirk then filed a federal action alleging that defendants' failure to respond to a purported conditional acceptance of a bill resulted in an implied acceptance and violated his civil rights by depriving him of property without due process.

PROCEDURAL HISTORY

Plaintiff filed a federal complaint alleging that defendants violated his civil, property, contractual, and constitutional rights in connection with a Kansas state-court mortgage foreclosure proceeding. A magistrate judge screened the complaint under 28 U.S.C. § 1915(e)(2)(B)(ii) and recommended dismissal for lack of subject matter jurisdiction under the Rooker-Feldman doctrine. The district court overruled plaintiff's objections, adopted the report and recommendation, dismissed the action without prejudice, and denied plaintiff's motion for summary judgment and motion for de novo review as moot.

DISPOSITION

dismissed

CASES CITED

- Williams v. United States, No. 19-2476-JAR-JPO, 2019 WL 6167514, at *1 (D. Kan. Nov. 20, 2019)
- United States v. One Parcel of Real Property, 73 F.3d 1057, 1060 (10th Cir. 1996)
- Summers v. Utah, 927 F.2d 1165, 1167 (10th Cir. 1991)
- Thomas v. Arn, 474 U.S. 140, 150 (1985)
- Gad v. Kan. State Univ., 787 F.3d 1032, 1035 (10th Cir. 2015)
- Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375, 377 (1994)
- Yang v. Archuleta, 525 F.3d 925, 927 n.1 (10th Cir. 2008)
- Lance v. Dennis, 546 U.S. 459, 460 (2006) (per curiam)
- Campbell v. City of Spencer, 682 F.3d 1278, 1283 (10th Cir. 2012)
- Mann v. Boatright, 477 F.3d 1140, 1147 (10th Cir. 2007)
- MacIntyre v. JP Morgan Chase Bank, N.A., 827 F. App'x 812, 818 (10th Cir. 2020)
- Williams v. HSBC Bank USA, N.A., 681 F. App'x 693, 696 (10th Cir. 2017)
- PJ ex rel. Jensen v. Wagner, 603 F.3d 1182, 1193 (10th Cir. 2010)