

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

MICHELE K. GRANT,

Plaintiff,

v.

Case No: 8:24-cv-1486-MSS-CPT

**U.S. BANK NATIONAL
ASSOCIATION,**

Defendant.

ORDER

THIS CAUSE comes before the Court for consideration of Plaintiff's Motion for Emergency Stay. (Dkt. 4) Upon consideration of all relevant filings, case law, and being otherwise fully advised, the Court **DENIES** the Motion, as described herein.

On June 20, 2024, Plaintiff filed the Complaint, alleging Defendant committed fraud in its procurement of a mortgage. (Dkt. 1 at 2) Plaintiff requests the Court declare the mortgage invalid and stay all state court proceedings related to the foreclosure of the underlying property. (Id. at 3)

The Court lacks jurisdiction to hear this case. Federal courts are courts of limited jurisdiction. Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994). Federal district courts have original jurisdiction over "civil actions arising under the Constitution, law, or treaties of the United States," and civil actions between

citizens of different states where the matter in controversy exceeds \$75,000. 28 U.S.C. §§ 1331–1332.

The Complaint provides no basis for the Court’s subject matter jurisdiction. The Complaint contains no questions of federal law, and “no federal statute grants federal jurisdiction over state foreclosure claims.” Accredited Home Lenders, Inc. v. Santos, No. 10–cv–1562, 2010 WL 4612352, at *2 (M.D. Fla. Nov. 16, 2010). Additionally, Plaintiff alleges no facts to support a finding of diversity jurisdiction. Indeed, Plaintiff alleges Defendant resides in Florida, (*id.* at 2), and it is clear from the factual allegations that Plaintiff resides in Florida as well. (*Id.*) The Plaintiff does not allege the citizenship of either party; therefore, she does not invoke the Court’s diversity jurisdiction over this dispute.

Moreover, federal courts generally may not enjoin or stay state court proceedings. 28 U.S.C. § 2283 (“A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments.”).

Accordingly, it is **ORDERED**:

1. Plaintiff’s Motion for Emergency Stay, (Dkt. 4), is **DENIED**.
2. The Complaint is **DISMISSED** for lack of subject matter jurisdiction.
3. The Clerk is **DIRECTED** to terminate any pending motions and deadlines and **CLOSE** this case.

DONE and ORDERED in Tampa, Florida, this 20th day of June 2024.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any pro se party