

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Anthony Silva,  
Plaintiff

v.

Case No. 26-cv-186-SM-AJ  
Opinion No. 2026 DNH 076

TD Bank USA, N.A.,  
Defendant

**O R D E R**

Anthony Silva originally filed this action in state court as a small claim complaint and defendant removed it to this court, invoking this court's federal question jurisdiction. In his complaint, Silva asserts that the defendant, TD Bank USA, violated the federal Fair Credit Reporting Act. TD Bank moves for judgment on the pleadings, asserting that Silva's complaint fails to state a viable cause of action. See generally Fed. R. Civ. P. 12(c).

For the reasons discussed, that motion is granted and the complaint is dismissed.

**Background**

In his complaint, Silva alleges that he:

submitted FTC identity theft and fraud reports disputing a fraudulent Target RedCard tradeline [sic]. Despite notice and supporting documentation, Target National Bank failed to remove or correct the fraudulent account and continued furnishing false information to credit reporting agencies. This caused financial harm, denial of banking access, and credit damages. The failure was willful and negligent.

Small Claim Complaint (document no. 1-1) at 3.

In response, TD Bank filed a Motion for Judgment on the Pleadings (document no. 4). Silva did not respond. Accordingly, the court entered an order notifying Silva that,

The motion for judgment on the pleadings appears to have substantial merit. As plaintiff is appearing pro se, however, some flexibility is warranted.

Accordingly, plaintiff may file an amended complaint responding to the issues raised by defendant on or before May 8, 2026.

Failure to file [a response] or filing a proposed amended complaint that does not adequately address the issues raised will necessarily result in an order granting the motion and dismissing the case.

Order dated April 8, 2026 (emphasis supplied).

Then, the court began receiving notices that mail addressed to Silva was being returned as "undeliverable." See, e.g., documents no. 11 through 16. In response, court staff attempted to reach Silva by telephone, at the number he provided on the

materials he had submitted along with the small claim complaint he filed in state court. He did not respond to voice messages asking him to contact the court.

The court then attempted to contact Mr. Silva by email, at the address he had provided along with his small claim complaint. The following notice was sent to Silva, with a copy to defense counsel:

Mr. Silva, The Small Claim Complaint you filed in state court against TD Bank USA, N.A. has been removed (transferred) to the United States District Court for the District of New Hampshire, located at 55 Pleasant Street, Concord, N.H. The defendant in that proceeding has filed a motion to dismiss your complaint to which you have not responded. All efforts to contact you by U.S. Mail and telephone have proved unsuccessful.

Accordingly, on or before June 12, 2026, you shall:  
(a) provide the federal court with your full and accurate mailing address (including, if applicable, your apartment number); and (b) respond to the pending motion to dismiss (document no. 4), which is attached.

If you fail to comply in a timely manner, your claims against TD Bank USA, NA are subject to dismissal with prejudice - that is, judgment will be entered in favor of the defendant and you will be prevented from pursuing those claims any further, in any court.


E-mail Notice dated May 15, 2026 (emphasis supplied). Silva has not responded.

**Conclusion**

There being no objection to defendant's meritorious motion, and plaintiff having failed to respond to the court's various efforts to contact him, and having failed to provide accurate contact information to the court as required by Local Rule 83.6(e), defendant's Motion for Judgment on the Pleading (document no. 4) is granted, for the reasons set forth in defendant's legal memorandum (document no. 4-1). See also Fed. R. Civ. P. 41(b) (providing for dismissal of an action should the plaintiff fail to prosecute his claims and/or fail to comply with the governing rules of civil procedure or court order).

The Clerk of Court shall enter judgment in accordance with this order and close the case.

**SO ORDERED.**

  
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Steven J. McAuliffe  
United States District Judge

June 15, 2026

cc: Anthony Silva, pro se  
Counsel of Record