

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-14443
Non-Argument Calendar

TAWANA L. CARTER,

Plaintiff-Appellant,

versus

WELLS FARGO BANK,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:24-cv-05938-MHC

Before JORDAN, ROSENBAUM, and GRANT, Circuit Judges.

PER CURIAM:

Tawana Latrice Carter brought this action against Wells Fargo, alleging the wrongful foreclosure of her home in Alpharetta, Georgia. She appeals the district court's order dismissing

her action, the denial of her motion for reconsideration, and the denial of her motion to remand. Following review of the record and the parties' briefs, we affirm.¹

I

Before reaching Ms. Carter's arguments, we briefly set out the case's procedural history.

This is Ms. Carter's seventh lawsuit challenging the foreclosure of her property located at 115 Parkside Close, Alpharetta, Georgia 30022. *See Carter v. Select Portfolio Servicing, Inc.*, No. 1:15-CV-410, 2015 WL 13777335 (N.D. Ga. Dec. 23, 2015); *Carter v. Select Portfolio Servicing, Inc.*, 1:18-CV-3608, 2018 WL 5262058 (N.D. Ga. Sept. 20, 2018); *Carter v. Select Portfolio Servicing, Inc.*, No. 1:19-CV-4863, 2020 WL 9594360 (N.D. Ga. Mar. 16, 2020), *aff'd*, 857 F. App'x 618 (11th Cir. 2021); *Carter v. Select Portfolio Servicing, Inc.*, No. 1:23-CV-2292, 2023 WL 9850967 (N.D. Ga. Aug. 21, 2023); *Carter v. Freemont Inv. & Loan, et. al*, No. 24CV001539 (Fulton Cnty. Super. Ct. Apr. 3, 2024); *Carter v. Fremont Inv. & Loan*, No. 2023CV387151 (Fulton Cnty. Super. Ct. May 31, 2024). Ms. Carter has named Wells Fargo, in some form or fashion, as a defendant in each of these lawsuits.

In this action, Ms. Carter alleged that the foreclosure proceedings "were based on fraudulent and forged documents, including a

¹ Ms. Carter is proceeding *pro se*, and we construe her filings liberally. *See Campbell v. Air Jam. Ltd.*, 760 F.3d 1165, 1168 (11th Cir. 2014) ("We hold the allegations of a *pro se* complaint to less stringent standards than formal pleadings drafted by lawyers.") (citing *Haines v. Kerner*, 404 U.S. 519, 520 (1972)).

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falsified notary signature.” D.E. 1-1 at 9. She asserted several claims: (1) wrongful foreclosure (Count I); (2) fraudulent misrepresentation and fraud (Count II); (3) civil conspiracy (Count III); and (4) attempting to collect a debt that was not owned, making false statements about the existence of a loan, and attempting to enforce an invalid debt in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 (Count IV).

Ms. Carter filed her complaint against Wells Fargo in the Superior Court of Fulton County in November of 2024. Wells Fargo removed the action to federal court. It invoked the district court’s federal question jurisdiction based on the FDCPA claim. It also asserted that the district court possessed diversity jurisdiction because, though Ms. Carter’s complaint stated that Wells Fargo is a Georgia financial institution, Wells Fargo’s principal place of business is in South Dakota and the original mortgage loan at issue was for \$279,000. There is no entity simply called Wells Fargo, and the defendant-appellee present is Wells Fargo Bank, National Association, as trustee and holder of the security deed at issue in this case.

Shortly after its notice of removal, Wells Fargo moved to dismiss on the bases that (1) Ms. Carter’s claims were barred by res judicata, and (2) the complaint failed to state a claim on all four counts. Ms. Carter moved to remand to state court, arguing that Wells Fargo is a citizen of Georgia and that, in spite of her FDCPA claim, she intended to have her suit heard in state court. The magistrate judge issued a report and recommendation, addressed both res judicata

and the sufficiency of each claim as pled, and recommended dismissal with prejudice. The report and recommendation also considered Ms. Carter's motion to remand and concluded that it was meritless.

In her objections to the report and recommendation, Ms. Carter argued that the district court lacked personal jurisdiction over the proper party: the trust. She also argued that Wells Fargo, as trustee, is a non-party that had no authority to remove the case.

The district court rejected these arguments, explaining that personal jurisdiction and improper service under Rules 12(b)(2) and (b)(5) are defenses which can be waived, rather than grounds to disregard the report and recommendation. The court further concluded that Ms. Carter's challenge to the procedural defects in the notice of removal were untimely because they were not contained in her motion to remand or other timely filing. The court overruled Ms. Carter's objections and adopted the report and recommendation, dismissing her complaint with prejudice.

Ms. Carter moved for reconsideration, reasserting that the court lacked personal jurisdiction over Wells Fargo and asserting that there was a fake sale of the property in May of 2025, constituting new evidence that she is the owner. The district court denied the motion because the personal jurisdiction argument was not a ground for reconsideration, and the newly-discovered evidence argument was unsupported. Ms. Carter timely appealed the dismissal and the denial of her motions.

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II

First, Ms. Carter argues that the district court lacked subject-matter jurisdiction after removal because Wells Fargo incorrectly self-identified the trust and trustee. Relatedly, she maintains that the district court lacked personal jurisdiction over Wells Fargo because she never named or served the trust.

We review a district court’s exercise of subject-matter jurisdiction de novo. *See Wilson v. Hearos, LLC*, 128 F.4th 1254, 1259 (11th Cir. 2025) (citing *Lindley v. FDIC*, 733 F.3d 1043, 1050 (11th Cir. 2013)). “We review a district court’s exercise of personal jurisdiction de novo[.]” *AcryliCon USA, Ltd. Liab. Co. v. Silikal GmbH*, 985 F.3d 1350, 1363 (11th Cir. 2021) (citation and emphasis omitted).

A

Ms. Carter’s arguments regarding subject-matter jurisdiction are not well taken. A motion to remand a case based on a defect in the removal procedure must be made within 30 days after the filing of the notice of removal. *See* 28 U.S.C. § 1447(c). *See also In re Bethesda Mem’l Hosp., Inc.*, 123 F.3d 1407, 1410–11 (11th Cir. 1997). “When a district court could have exercised original subject matter jurisdiction had the case been initially filed in federal court, the only other basis for remand is a defect that is subject to the 30-days rule under § 1447(c).” *Wilson*, 128 F.4th at 1260.

Ms. Carter does not raise an argument concerning the district court’s jurisdiction but rather raises a procedural challenge to Wells Fargo’s removal and the proper party name. She fails to ad-

dress the court's conclusion that this procedural argument for remand was filed months after the 30-day deadline, in her objections to the report and recommendation, rather than in her motion to remand. As the court explained, Ms. Carter cited no authority for the proposition that a misnomer in the case caption invalidates a proper notice of removal or the court's exercise of subject-matter jurisdiction. Generally, "a misnomer in a defendant's name is an amendable defect." *Willis v. Mayor & Alderman of Savannah*, 770 F. Supp. 2d 1349, 1350 (S.D. Ga. 2011) (quoting *Harper v. Savannah Police Dep't*, 346 S.E.2d 891, 892 (Ga. Ct. App. 1986)). Therefore, we affirm as to this issue.

B

Ms. Carter's personal-jurisdiction argument fares no better. An objection to jurisdiction over the person "can be waived by the party over whom jurisdiction is sought." *See Pardazi v. Cullman Med. Ctr.*, 896 F.2d 1313, 1317 (11th Cir. 1990). A party waives its objection to personal jurisdiction if it makes a pre-answer motion under Rule 12 and does not include such an objection in that motion. *See id.* A failure to object under such circumstances constitutes consent to the court's jurisdiction, and the suit may not then be dismissed for lack of personal jurisdiction or insufficient service of process. *See id.*

Wells Fargo consented to the district court's personal jurisdiction when it failed to object in its pre-answer notice of removal and motion to dismiss. We have found no support for Ms. Carter's

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attempt to invoke Rules 12(b)(2) and (b)(5) to invalidate the court's exercise of jurisdiction over her case.

In sum, the district court was not permitted to dismiss the case for lack of personal jurisdiction or insufficient service of process. Accordingly, we affirm as to this issue as well.

III

Next, Ms. Carter argues that the district court erred in applying res judicata despite her new allegations of fraud in this seventh action. We generally review the application of res judicata de novo. *See Rodemaker v. City of Valdosta Bd. of Educ.*, 110 F.4th 1318, 1327 (11th Cir. 2024). Res judicata bars claims related to prior decisions when the prior decision “(1) was rendered by a court of competent jurisdiction; (2) was final; (3) involved the same parties or their privies; and (4) involved the same causes of action.” *Id.* at 1324 (internal quotation marks and citation omitted).

“Res judicata comes in two forms: claim preclusion (traditional ‘res judicata’) and issue preclusion (also known as ‘collateral estoppel’).” *Cnty. State Bank v. Strong*, 651 F.3d 1241, 1263 (11th Cir. 2011). The report and recommendation concluded that “to the extent that [Ms. Carter’s] claims are based on any allegations that the Security Deed, the First Assignment, or the Second Assignment, were invalid, or that Wells Fargo lacked a valid interest in the Security Deed that gave it authority to foreclose, her claims would be barred by res judicata or collateral estoppel.” D.E. 25 at 31 (emphasis added).

Ms. Carter does not address the elements of res judicata, and we will not serve as de facto counsel and rewrite her appeal to sustain a challenge to this issue. *See Campbell*, 760 F.3d at 1168–69 (“Yet even in the case of *pro se* litigants [our] leniency does not give [us] license to serve as *de facto* counsel for a party, or to rewrite an otherwise deficient pleading in order to sustain an action.”) (internal quotation marks omitted). Nor does Ms. Carter mention the court’s dismissal of her claims insofar as they were barred by collateral estoppel.

Ms. Carter also does not argue that the court erred in concluding that she failed to state a claim for relief and does not confront the independent, thorough analysis of each of her four claims. “When an appellant fails to challenge properly on appeal one of the grounds on which the district court based its judgment, [s]he is deemed to have abandoned any challenge of that ground, and it follows that the judgment is due to be affirmed.” *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 680 (11th Cir. 2014). We therefore decline to reach the Rule 12(b)(6) issue as Ms. Carter has abandoned any challenge to the substance of the dismissal.

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IV

Ms. Carter further argues that the district court erred in dismissing her state law claims with prejudice, rather than remanding them. This argument is misplaced because the district court exercised diversity jurisdiction when considering her state law claims.

District courts have original jurisdiction of all civil actions where the amount in controversy exceeds \$75,000 and is between citizens of different states. *See* 28 U.S.C. § 1332(a)(1). A court may decline to exercise supplemental jurisdiction over a claim if it dismisses “all claims over which it has original jurisdiction.” *See* § 1367(c)(3). Ms. Carter does not ask us to review the district court’s conclusion that Wells Fargo is not a citizen of Georgia. Nor has she contested that the amount in controversy exceeds \$75,000. Therefore, the district court did not exercise supplemental jurisdiction over her state law claims and did not have occasion to remand pursuant to § 1367(c)(3) after deciding that the federal FDCPA claim was meritless. Instead, it reviewed her claims while sitting in diversity jurisdiction and dismissed them with prejudice. We therefore affirm on this issue.

V

Finally, Ms. Carter argues that the district court erred in denying reconsideration despite her newly discovered evidence of fraud. We review the denial of a motion for reconsideration for abuse of discretion. *See Mays v. U.S. Postal Serv.*, 122 F.3d 43, 46 (11th Cir. 1997) (citing *Am. Home Assurance Co. v. Glenn Estess & Assoc., Inc.*, 763 F.2d 1237, 1238–39 (11th Cir. 1985)).

A motion for reconsideration may not be used to “raise argument or present evidence that could have been raised prior to the entry of judgment.” *Michael Linet, Inc. v. Vill. of Wellington*, 408 F.3d 757, 763 (11th Cir. 2005). Ms. Carter argues that the May 9, 2025, sale of the property was unconsummated and reveals fraud and title defects. The magistrate judge’s report and recommendation was entered on July 31, 2025, and the district court’s order was entered on August 21, 2025. Ms. Carter has not explained why she could not have brought this May sale and its alleged fallout to the court’s attention prior to filing her motion for reconsideration on August 29, 2025.

Moreover, Ms. Carter attempted to present new evidence without attaching the alleged evidence. For example, she referenced communications from Redfin and Bridgepoint in her motion for reconsideration but did not attach them to her motion as evidence. She also failed to explain why she could not obtain the certified deed records from the Fulton County’s Clerk Office, which she claimed would clear up ambiguity in the chain of title.

The district court did not abuse its discretion in declining to reconsider based on its review of the property records attached to Wells Fargo’s motion to dismiss as well as the online Fulton County property records (of which it took judicial notice). Based on this review, it concluded that Ms. Carter’s alleged new evidence did not undermine the validity of the foreclosure. We affirm the district court’s denial of Ms. Carter’s motion for reconsideration.

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VI

We affirm the district court's dismissal of Ms. Carter's claims with prejudice, the denial of her motion to remand, and the denial of her motion for reconsideration.

AFFIRMED.