

NOT FOR PUBLICATION

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 26-10538  
Non-Argument Calendar

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JOHANNES L. DE KONING,

*Plaintiff-Appellant,*

*versus*

TRANS UNION, LLC,

*Defendant-Appellee.*

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Appeal from the United States District Court  
for the Southern District of Florida  
D.C. Docket No. 1:25-cv-23331-BB

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Before WILLIAM PRYOR, Chief Judge, and KIDD and HULL, Circuit  
Judges.

PER CURIAM:

Johannes De Koning appeals *pro se* the dismissal with prejudice of his complaint against TransUnion, LLC, under the Fair

Credit Reporting Act, 15 U.S.C. § 1681i(a)(5)(B). Because De Koning lacks standing, we vacate and remand with instructions that the district court dismiss without prejudice for lack of jurisdiction.

De Koning filed a second amended complaint alleging that TransUnion reinserted information, the accuracy of which he does not dispute, in his credit report without timely notifying him, which caused him emotional distress, disrupted his business operations, damaged his reputation, and cost him time and effort. The district court granted TransUnion's motion for judgment on the pleadings for failure to state a claim under the Fair Credit Reporting Act because the complaint failed to allege the required element of inaccurate reporting, and it did so with prejudice because further amendment would have been futile.

We review standing *de novo* and *sua sponte*. See *Nelson v. Experian Info. Sol., Inc.*, 144 F.4th 1350, 1353 (11th Cir. 2025). To establish standing, under Article III, U.S. CONST. art. III, a plaintiff must establish that he “(1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision.” *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338 (2016). If a plaintiff lacks standing, the district court must dismiss his complaint without prejudice. *Gardner v. Mutz*, 962 F.3d 1329, 1343 n.11 (11th Cir. 2020). If a plaintiff lacks standing but the district court reached the merits and dismissed his claims with prejudice, we will vacate and remand with instructions for the district court to dismiss without prejudice for lack of jurisdiction. *Id.* at 1343 n.11, 1344.

26-10538

Opinion of the Court

3

“Congress enacted the Fair Credit Reporting Act to ensure ‘fair and accurate credit reporting.’” *Pedro v. Equifax, Inc.*, 868 F.3d 1275, 1280 (11th Cir. 2017) (quoting 15 U.S.C. § 1681(a)(1)). The Act “imposes a host of requirements concerning the creation and use of consumer reports,” *id.*, to ensure fair and accurate reporting, one of which is that, when a consumer notifies a consumer reporting agency that he disputes “the completeness or accuracy of any item of information contained in a consumer’s file,” the agency must “conduct a reasonable reinvestigation to determine whether the disputed information is inaccurate.” 15 U.S.C. § 1681i(a)(1)(A). If the agency determines that the disputed information is “inaccurate or incomplete or cannot be verified,” it must promptly delete that information or modify it based on the results of the reinvestigation. *Id.* § 1681i(a)(5)(A)(i). It may reinsert previously deleted information into the consumer’s file if the person furnishing the information certifies that it is complete and accurate, and must notify the consumer of the reinsertion in writing no later than five business days after the reinsertion. *Id.* § 1681i(a)(5)(B)(i)-(ii).

De Koning has not established standing. He did not allege that the information TransUnion reinserted into his credit report following its reinvestigation was inaccurate. He alleged only that the information was inconsistent with information in other consumer reporting agencies’ reports. He alleged, at most, a statutory violation for failure to timely notify him of the reinsertion. *See* 15 U.S.C. § 1681i(a)(5)(B)(i)-(ii). “But a statutory violation is not itself an injury in fact.” *Nelson*, 144 F.4th at 1354 (citing *Spokeo*, 578 U.S.

at 341). A plaintiff must show that he suffered concrete harm from the alleged statutory violation. *Id.*

De Koning maintains that TransUnion caused him emotional distress and cost him time and effort. But De Koning cannot manufacture standing by spending time and effort to address an otherwise harmless statutory violation about untimely notice. *See id.* Because De Koning has not alleged any concrete harm from the alleged statutory violation, he lacks standing to sue.

We **VACATE AND REMAND** with instructions that the district court should dismiss without prejudice for lack of jurisdiction.