NOT FOR PUBLICATION

FILED

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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BLANTON BANKS II,

Plaintiff - Appellant,

v.

TRANS UNION, LLC; EQUIFAX INFORMATION SERVICES LLC; EXPERIAN INFORMATION SOLUTIONS, INC.; CAPITAL ONE BANK USA INC.; FIRST PREMIER BANK; U.S. AUTO CREDIT PURCHASING CENTER, LLC; I.Q. DATA INTERNATIONAL, INC.; WELLS FARGO BANK, N.A.; KAPS & CO (USA) LLC; TBOM/TOTAL CARD; I.C. SYSTEM, INC.; CLIENT SERVICES, INC.; ASSET RECOVERY SOLUTIONS, LLC,

Defendants - Appellees,

AD ASTRA RECOVERY SERVICES, INC., AARGON AGENCY, INC.,

Defendants.

No. 24-7602

D.C. No. 2:21-cv-01580-CDS-EJY

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Cristina D. Silva, District Judge, Presiding

Submitted October 27, 2026[**]

Before: SILVERMAN, FORREST, and VANDYKE, Circuit Judges.

Blanton Banks, II, appeals pro se from the district court's summary judgment and dismissal orders in his action alleging claims under the Fair Credit Reporting Act ("FCRA") and the Fair Debt Collection Practices Act ("FDCPA"). We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Shaw v. Experian Info. Sols., Inc.*, 891 F.3d 749, 755 (9th Cir. 2018) (summary judgment); *Mashiri v. Epsten Grinnell & Howell*, 845 F.3d 984, 988 (9th Cir. 2017) (dismissal under Federal Rule of Civil Procedure 12(b)(6)); *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012) (dismissal under 28 U.S.C. § 1915(e)(2)); *Fleming v. Pickard*, 581 F.3d 922, 925 (9th Cir. 2009) (judgment on the pleadings). We affirm in part, vacate in part, and remand.

The district court properly granted summary judgment for I.C. System, Inc. because Banks failed to raise a genuine dispute of material fact as to whether it used any false or misleading representation in connection with the collection of a debt, used "unfair or unconscionable means" to collect a debt, or failed to verify a

[**] The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2). Banks's request for a hearing, set forth in the opening brief, is denied.

debt after timely notification. *See* 15 U.S.C. §§ 1692e (setting forth requirement that "[a] debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt"), 1692f (setting forth requirement that "[a] debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt"), 1692g(b) (setting forth requirement that a debt collector must provide verification of a debt upon request by the debtor within 30 days after receipt of initial communication); *Mahon v. Credit Bureau of Placer County Inc.*, 171 F.3d 1197, 1203 (9th Cir. 1999), *as amended on denial of reh'g and reh'g en banc* (Apr. 28, 1999) (holding that "[a] tardy request for verification of the debt . . . [does] not trigger any obligation . . . to verify the debt" under § 1692g(b)).

Banks has not identified error in the district court's failure to permit additional discovery before proceeding to summary judgment. *See Brae Transp., Inc. v. Coopers & Lybrand*, 790 F.2d 1439, 1443 (9th Cir. 1986) (noting that "[r]eferences in memoranda and declarations to a need for discovery do not qualify as motions under [Rule 56(d)]" and that "[f]ailure to comply with the requirements of [Rule 56(d)] is a proper ground for denying discovery and proceeding to summary judgment").

The district court properly granted judgment on the pleadings on Banks's claims against Trans Union, LLC, Equifax Information Services LLC, and

Experian Information Solutions, Inc. because Banks failed to allege facts sufficient to show an FCRA violation. *See* 15 U.S.C. §§ 1681e(b) (setting forth requirement that consumer reporting agencies "follow reasonable procedures to assure maximum possible accuracy of the information" when preparing consumer reports), 1681g(a)(1) (setting forth requirement that consumer reporting agencies disclose "[a]ll information in [a] consumer's file" upon request), 1681i(a)(1)(A) (setting forth requirement that a consumer reporting agency shall "conduct a reasonable reinvestigation" after a consumer notifies it that they dispute "the completeness or accuracy of any item of information contained in the consumer's file"); *Shaw*, 891 F.3d at 756 (holding that "to sustain either a § 1681e or a § 1681i claim, a consumer must first make a prima facie showing of inaccurate reporting by the [consumer reporting agency]" (citation and internal quotation marks omitted)).

The district court properly dismissed Banks's claims against U.S. Auto Credit Purchasing Center because Banks failed to allege facts sufficient to show that it was a "debt collector" under the FDCPA. *See* 15 U.S.C. § 1692a(6) (defining debt collector as "any person . . . in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect . . . debts owed or due or asserted to be owed or due *another*" (emphasis added)).

The district court properly dismissed Banks's Truth in Lending Act ("TILA"), Privacy Act, and Freedom of Information Act ("FOIA") claims because Banks failed to allege facts sufficient to state a plausible claim. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (to avoid dismissal, "a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face" (citation and internal quotation marks omitted)); *see also* 15 U.S.C. § 1637(a) (setting forth "[r]equired disclosures" to be made by a creditor to a consumer under TILA before opening an open end consumer credit account); *Unt v. Aerospace Corp.*, 765 F.2d 1440, 1447 (9th Cir. 1985) ("The private right of civil action created by the [Privacy Act] is specifically limited to actions against agencies of the United States Government."); *Kalbers v. DOJ – U. S. Dep't of Just.*, 166 F.4th 783, 798 n.4 (9th Cir. 2026) (noting that FOIA does not apply to private actors).

The district court did not abuse its discretion by dismissing Banks's claims against First Premier Bank because Banks failed to oppose its motion to dismiss. *See* D. Nev. R. 7-2(d) ("The failure of an opposing party to file points and authorities in response to any motion . . . constitutes a consent to the granting of the motion."); *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (discussing factors to be considered before dismissing a case for failure to follow local rules, recognizing that "[f]ailure to follow a district court's local rules is a proper ground

for dismissal," and affirming dismissal for failure to file an opposition to a motion to dismiss).

The district court did not abuse its discretion by dismissing Banks's claims against I.Q. Data International, Inc. after Banks failed to file a second amended complaint or provide notice to the court that he would not amend. *See Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1065 (9th Cir. 2004) ("The failure of the plaintiff eventually to respond to the court's ultimatum—either by amending the complaint or by indicating to the court that [he] will not do so—is properly met with the sanction of a Rule 41(b) dismissal."); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (setting forth standard of review and discussing the factors to be considered before dismissing a case for failure to comply with a court order).

The district court did not abuse its discretion by dismissing without leave to amend Banks's claims against Equifax Information Services LLC and U.S. Auto Credit Purchasing Center because amendment would be futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and explaining that dismissal without leave to amend is proper when amendment would be futile).

The district court appears to have overlooked defendants Kaps & Co. (USA) LLC, TBOM/Total Card, and Asset Recovery Solutions, LLC, as they were terminated from the case without explanation. We vacate the dismissal as to these

three defendants only and remand for further proceedings.

We reject as unsupported by the record Banks's contentions that the district court was biased against him.

The motion (Docket Entry No. 76) for reconsideration is denied. The motions (Docket Entry Nos. 89, 91) to withdraw as counsel for Experian Information Solutions, Inc. are granted.

The parties will bear their own costs on appeal.

AFFIRMED in part, VACATED in part, and REMANDED.