NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-2678

HSBC BANK USA, As Trustee for Wells Fargo Asset Securities Corporation, Mortgage Pass-Through Certificates, Series 2007-11

v.

DAE SUNG SHIM; MRS. DAE SUNG SHIM, his wife; SUNG HO MO; MR. MO, husband of Sung Ho Mo; PNC BANK; SANTANDER BANK, National Association; JP MORGAN CHASE BANK N.A.; UNITED STATES OF AMERICA

Sung Ho Mo,
Appellant

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action No. 2:24-cv-10935)
District Judge: Honorable Madeline C. Arleo

Submitted Pursuant to Third Circuit LAR 34.1(a)
September 16, 2026
Before: BIBAS, CHUNG, and BOVE, *Circuit Judges*

(Opinion filed: September 21, 2026)

OPINION[*]

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[*] This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

PER CURIAM

Sung Ho Mo appeals from the District Court's order dismissing his latest, unauthorized attempt to remove this residential foreclosure action from New Jersey state court and imposing a filing injunction. We will affirm.

I.

Mo was sentenced to a year of house arrest in 2016 after pleading guilty to conspiring to commit bank fraud in connection with multiple home equity lines of credit he tricked several banks into issuing to the tune of $1.3 million using his properties in Passaic County, New Jersey, as collateral. *See United States v. Mo*, No. 2:16-cr-00104, ECF No. 22 (D.N.J. Nov. 15, 2016) (Judgment). One of those banks, HSBC, commenced a foreclosure action in the Superior Court of New Jersey against Mo and his wife, Dae Sung Shim, nearly a decade ago and, after protracted litigation, secured judgment in its favor in June 2022. Mo then sought to remove the action to the United States District Court for the District of New Jersey on at least four occasions, filed dozens of collateral actions in state and federal court, initiated several bankruptcy proceedings, and took numerous appeals. As a result of his conduct, Mo has been declared a vexatious litigant by the state court, the Bankruptcy Court, and the District Court.

The roots of this appeal lie in a pair of District Court decisions from October 2023. In the first, the Honorable Madeline Cox Arleo dismissed nineteen of Mo's bankruptcy appeals in a comprehensive order and warned him not to file any additional "appeals, removals[,] or new actions" relating to the subject properties or the bankruptcy proceedings “without first seeking permission from the undersigned” in writing. *See Mo v. HSBC Bank USA, Nat’l Assoc.*, No. 2:22-cv-05796, ECF Doc. 26, at 10 (D.N.J. Oct. 13, 2023) (Judge Arleo’s “Final Warning” about Mo’s “abusive [and] vexatious tactics”). Judge Arleo’s order spelled out the consequences that would follow in the form of a filing injunction if Mo violated the order. *See id.* at 11. Mo did not appeal that decision.

Eight days later, the Honorable Kevin McNulty adopted a Magistrate Judge’s recommendation and concluded that Mo’s first attempt at removing HSBC’s foreclosure action on diversity grounds was untimely because he did not file his notice within 30 days of receiving the initial pleadings and he violated the forum defendant rule. *See HSBC Bank, USA v. Shim*, No. 2:23-cv-01245, ECF Doc. 40 at 2 & n.3 (D.N.J. Oct. 19, 2023) (citing 28 U.S.C. §§ 1441(b)(2), 1446(b)(1)). The District Court granted HSBC’s motion to remand and its subsequent request for fees and costs. Mo unsuccessfully sought reconsideration and then appealed. We dismissed his appeal of the remand order for want of jurisdiction and summarily affirmed the fee award because he “indisputably ‘lacked an objectively reasonable basis for seeking removal.’” *See* C.A. No. 24-2179, 2024 WL 5277347, at *2 (3d Cir. Dec. 5, 2024) (quoting *Martin v. Franklin Capital Corp.*, 546 U.S. 132, 141 (2005)).

Nevertheless, Mo persisted. He removed the foreclosure action from state court again in December 2024, now citing the civil rights removal statute, 28 U.S.C. § 1443(1). Observing that Mo had failed to obtain the court’s permission to seek removal in accordance with her October 13, 2023 order (among several other violations), Judge Arleo formally imposed the filing injunction described therein and dismissed the action. Mo sought reconsideration, which the court denied, reiterating that his removal was untimely. Mo appeals.[1]

II.

We have jurisdiction pursuant to 28 U.S.C. § 1291. We review the District Court's dismissal order *de novo*. *Maglioli v. All. HC Holdings LLC*, 16 F.4th 393, 403 (3d Cir. 2021). Orders denying reconsideration and imposing filing injunctions are reviewed for abuse of discretion. *See United States v. Dupree*, 617 F.3d 724, 732 (3d Cir. 2010) (citing *Max's Seafood Café ex rel. Lou-Ann, Inc. v. Quinteros*, 176 F.3d 669, 673 (3d Cir. 1999)); *In re Packer Ave. Assocs.*, 884 F.2d 745, 746-47 (3d Cir. 1989).

III.

The District Court did not err in dismissing Mo's case for noncompliance with its October 13 order. If Mo had wanted to challenge that order, he could have appealed it. He did not, and he cannot collaterally attack it by appealing the District Court's subsequent order enforcing it. *See generally Hong Mai Sa v. Doe*, 406 F.3d 155, 158 (2d Cir. 2005) (declining to review the procedures established by the filing injunction when

[1] HSBC seeks leave under Federal Rule of Appellate Procedure 30(a)(1)(B) to supplement the appendix to include documents that the District Court relied upon in issuing its decision, along with various court dockets and orders from that case and related matters. Mo opposes HSBC's motion because some of the materials stem from his criminal case and were not presented to the District Court in these proceedings, so he believes HSBC should have filed a motion to expand the record, the standards for which he says have not been satisfied.

they had not been previously challenged on appeal); *Marshak v. Treadwell*, 595 F.3d 478, 486 (3d Cir. 2009) ("[A] party who is alleged to be in contempt of a court order may not challenge the substantive merits of that order within contempt proceedings."). There is no question that Mo violated the order. The District Court plainly warned him not to file another removal "without first seeking permission from the undersigned, in a letter request not to exceed three double spaced pages, succinctly setting forth the basis for the filing"—yet he did so without obtaining authorization. Perhaps the court could have been clearer in the October 13 order that it would dismiss anything filed in violation of its terms. But we "give particular deference to the district court's interpretation of its own order," *In re Fine Paper Antitrust Litig.*, 695 F.2d 494, 498 (3d Cir. 1982), and we take no issue with the severity of its enforcement in light of Mo's vexatious litigation history.

Nor do we conclude that the District Court abused its discretion in sanctioning Mo for his abusive behavior. We look for three things when reviewing a filing injunction: (1) "exigent circumstances, such as a litigant's continuous abuse of the judicial process by filing meritless and repetitive actions"; (2) "notice to the litigant to show cause why the proposed injunctive relief should not issue"; and (3) narrow tailoring of the injunction "to fit the particular circumstances of the case." *Brow v. Farrelly*, 994 F.2d 1027, 1038 (3d Cir. 1993) (citations omitted). Mo has continuously abused the judicial process by repeatedly removing the state action without an objectively reasonable basis and by filing frivolous motions that waste court resources and drive up HSBC's legal expenses. The District Court admonished him for his conduct in its October 13 order and put him on notice of the specific filing restrictions that would follow if he continued to engage in abusive litigation tactics. After Mo defied the District Court's warning order by filing another untimely notice of removal without first obtaining the court's permission, HSBC moved to remand and requested injunctive relief. Adhering to *Brow*, the District Court then ordered Mo to show cause why he should not be restrained "from instituting or prosecuting legal proceedings [in federal court] relating to the underlying foreclosure action." *See* ECF Doc. 5 at 2. Mo responded to the order, *see* ECF Doc. 7 at 3-8, and the District Court subsequently imposed the filing restrictions at issue in this appeal, *see* ECF Doc. 17 at 3-4.

The District Court's sanctions order is narrowly tailored to fit the unusual circumstances of this case. By requiring Mo to obtain leave of court before submitting a filing, and also to certify, *inter alia*, that "the filing is not frivolous nor vexatious, nor is it repetitive nor violative of a court order," *see* ECF Doc. 17 at 3-4, the directive aims to keep the court's docket clear of frivolous and duplicative submissions while preserving Mo's ability to lodge "legitimate claims." *See In re Oliver*, 682 F.2d 443, 446 (3d Cir. 1982); *Abdul-Akbar v. Watson*, 901 F.2d 329, 333-34 (3d Cir. 1990). The court's sanction was amply justified, and its denial of Mo's reconsideration motion was not an abuse of discretion.

Accordingly, we will affirm the District Court's judgment.[2]

[2] We also grant HSBC's motion to supplement the appendix, which we construe as also seeking leave to expand the record. Most of the documents HSBC seeks to include in its supplemental appendix were filed in and considered or issued by the District Court in this matter. The remaining materials were filed in Mo's criminal case, so we may take judicial notice of them. *See Orabi v. Att'y Gen.*, 738 F.3d 535, 537-38 & n.1 (3d Cir. 2014); *In re Congoleum Corp.*, 426 F.3d 675, 679 n.2 (3d Cir. 2005).