

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, HOUSTON DIVISION

Alfred Wayne Reed v. Memorial Hermann Hospital

Reed · No. 4:24-cv-03903 · Decided March 27, 2026

SUMMARY

The United States District Court for the Southern District of Texas adopts a magistrate judge's recommendation and dismisses without prejudice an employment discrimination action brought by Alfred Wayne Reed against Memorial Hermann Hospital. The court overrules Reed's objections because he did not demonstrate that he attempted to serve the defendant and dismisses the case for failure to prosecute.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Houston Division
WRITING FOR THE COURT	Charles Eskridge
JURISDICTION	United States District Court for the Southern District of Texas, Houston Division
DECIDED	March 27, 2026
DOCKET	4:24-cv-03903
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal without prejudice after Plaintiff failed to provide proof of service or respond to an order to show cause. Plaintiff filed objections, which the district court overruled.
STANDARD OF REVIEW	The district court reviews de novo those portions of a magistrate judge's conclusions to which a party specifically objects and may accept the unobjected-to portions if no clear error appears on the face of the record.
PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	Alfred Wayne Reed v. Memorial Hermann Hospital

TOPICS

service of process

civil procedure

title vii

age discrimination

PRACTICE AREAS

civil procedure

employment law

civil rights

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's recommendation to dismiss the action without prejudice after Plaintiff failed to provide proof of service or show cause for failing to do so.
2. Whether Plaintiff's objections demonstrated error in the magistrate judge's recommendation.

HOLDINGS

1. Plaintiff's objections were meritless because they did not demonstrate that he had attempted to serve Memorial Hermann Hospital; the objections were therefore overruled.
2. The action was properly dismissed without prejudice, and the magistrate judge's Report and Recommendation was adopted as the Memorandum and Order of the district court.

KEY QUOTATIONS

"The district court reviews de novo those conclusions of a magistrate judge to which a party has specifically objected." (Order text)

"The Report and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court." (Order text)

"This action is DISMISSED WITHOUT PREJUDICE." (Order text)

FACTUAL BACKGROUND

Alfred Wayne Reed alleged that Memorial Hermann Hospital violated Title VII and the Age Discrimination in Employment Act in connection with termination of his employment. The magistrate judge ordered Reed to file proof that he had served Memorial Hermann or show cause for failing to do so. Reed failed to provide proof of service or otherwise respond, and his later objections did not demonstrate that he had attempted to effect service.

PROCEDURAL HISTORY

Plaintiff, proceeding pro se, alleged Title VII and ADEA violations arising from termination of his employment. The case was referred to Magistrate Judge Dena Hanovice Palermo, who directed Plaintiff to file proof of service or show cause why the action should not be dismissed for want of prosecution. Plaintiff did neither, and the magistrate judge recommended dismissal without prejudice. The district court conducted de novo review of the objected-to portions, found the objections meritless, adopted the Report and Recommendation, and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam)
- Guillory v. PPG Industries, Inc., 434 F.3d 303, 308 (5th Cir. 2005)
- Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc)

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