

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PRECEDENTIAL VALUE	nonprecedential district court order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)

OPINION

Reed

PER CURIAM.

March 27, 2026 Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

ALFRED WAYNE REED, § CIVIL ACTION NUMBER

Plaintiff, § 4:24-cv-03903 § § versus § JUDGE CHARLES ESKRIDGE § §

MEMORIAL HERMANN §

HOSPITAL, §

Defendant. §

ORDER ADOPTING

REPORT AND RECOMMENDATION

Plaintiff Alred Wayne Reed proceeds here pro se. He alleges violations of Title VII of the Civil Rights Act of 1964 and of the Age Discrimination in Employment Act related to termination of his employment with Defendant Memorial Hermann Hospital. See Dkt 1 at 3–4. The matter was referred for disposition to Magistrate Judge Dena Hanovice Palermo. Dkt 3. Judge Palermo entered an order directing Plaintiff to file proof of service by January 23, 2025, or to show cause why the Court should not dismiss this case for want of prosecution. Dkt 4. Plaintiff failed to file proof of service or otherwise respond. Judge Palermo then entered a Report and Recommendation recommending that this action be dismissed without prejudice. Dkt 5. The district court reviews de novo those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also United States v Wilson, 864 F.2d 1219, 1221 (5th Cir 1989, per curiam). The district court may accept any other portions to which there's no objection if satisfied that no clear error appears on the face of the record. See Guillory v PPG Industries Inc, 434 F.3d 303, 308 (5th Cir 2005), citing Douglass v United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir 1996, en banc); see also FRCP 72(b) advisory committee note (1983). Plaintiff filed objections. Dkt 6. On de novo review and determination, they entirely lack merit. Plaintiff there indicates intention to continue pursuing his claims. But he nowhere demonstrates

that he has attempted to effectuate service on Memorial Hermann. The objections by Plaintiff Alfred Wayne Reed to the Report and Recommendation of the Magistrate Judge are OVERRULED. Dkt 6. No clear error otherwise appears upon review and consideration of the Report and Recommendation, the record, and the applicable law. The Report and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 5. This action is DISMISSED WITHOUT PREJUDICE. A final judgment will enter separately. SO ORDERED. Signed on March 27, 2026, at Houston, Texas. ABE. Honorable Charles Eskridge United States District Judge