

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA

Miranda Monday v. Transjet Cargo LLC

Monday · No. 1:23-cv-01624-TWP-MKK · Decided December 23, 2025

SUMMARY

The United States District Court for the Southern District of Indiana overruled Miranda Monday’s objection to a magistrate judge’s report and recommendation. The court adopted the recommendation and dismissed the action without prejudice based on Monday’s repeated failures to comply with court orders, appear at proceedings, and file required witness and exhibit lists. The court vacated the scheduled pretrial conference and jury trial dates.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana
WRITING FOR THE COURT	Tanya Walton Pratt
JURISDICTION	United States District Court for the Southern District of Indiana
DECIDED	December 23, 2025
DOCKET	1:23-cv-01624-TWP-MKK
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court conducted de novo review of a magistrate judge's report and recommendation recommending dismissal without prejudice as a sanction for Plaintiff's repeated failures to comply with court orders and appear for proceedings.
STANDARD OF REVIEW	De novo review of specific objections to a magistrate judge's report and recommendation on a dispositive matter, including whether the recommendation is supported by substantial evidence and is free of legal error.
PRECEDENTIAL VALUE	Unknown; district court order identified as unpublished and with unknown precedential status.
PARTIES	Miranda Monday v. Transjet Cargo LLC

TOPICS

- sanctions
- civil procedure

PRACTICE AREAS

civil procedure

sanctions

failure to prosecute

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's recommendation after conducting de novo review of Plaintiff's objection.
2. Whether dismissal without prejudice was a proportionate sanction for Plaintiff's repeated failures to appear, comply with court orders, and prosecute the action.

HOLDINGS

1. A district court must review specific objections to a magistrate judge's dispositive report and recommendation de novo and make the ultimate decision whether to adopt, reject, or modify the recommendation.
2. Dismissal without prejudice is warranted when a litigant repeatedly fails to appear and comply with court orders despite warnings, and the dismissal is proportionate to the conduct and resulting prejudice.

KEY QUOTATIONS

"The magistrate judge's recommendation on a dispositive matter is not a final order, and the district judge makes the ultimate decision to adopt, reject, or modify it." (Section I)

"pro se litigants are not excused from compliance with procedural rules" (Section II)

"Sanctions, including dismissal, must be proportionate to the circumstances." (Section II)

FACTUAL BACKGROUND

Plaintiff failed to appear at three court proceedings, including a December 8, 2025 telephonic status conference, despite repeated warnings that noncompliance could result in dismissal. She also failed to file the court-ordered final witness and exhibit lists before the impending pretrial conference and jury trial. The district court found that these repeated failures prejudiced Defendant's ability to proceed and impaired the orderly administration of the court's docket.

PROCEDURAL HISTORY

The magistrate judge recommended dismissal without prejudice after Plaintiff failed to appear for a December 8, 2025 telephonic status conference, following two prior unexcused absences and repeated failures to comply with court orders. Plaintiff objected, asserting that she had confused the court dates with a separate state-court matter. The district court overruled the objection, adopted the report and recommendation, dismissed the action without prejudice, vacated the scheduled pretrial conference and jury trial, and directed that final judgment issue separately.

DISPOSITION

dismissed

CASES CITED

- Schur v. L.A. Weight Loss Ctrs., Inc., 577 F.3d 752, 760 (7th Cir. 2009)
- Johnson v. Zema Sys. Corp., 170 F.3d 734, 739 (7th Cir. 1999)
- Pearle Vision, Inc. v. Romm, 541 F.3d 751, 758 (7th Cir. 2008)
- Members v. Paige, 140 F.3d 699, 702 (7th Cir. 1998)
- Secrease v. W. & S. Life Ins., 800 F.3d 397, 401 (7th Cir. 2015)
- S.E.C. v. First Choice Mgmt. Servs., 678 F.3d 538, 543 (7th Cir. 2012)
- Greviskes v. Universities Rsch. Ass'n, Inc., 417 F.3d 752, 759 (7th Cir. 2005)
- Donelson v. Hardy, 931 F.3d 565, 569 (7th Cir. 2019)

OPINION

MONDAY

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF INDIANA

INDIANAPOLIS DIVISION

MIRANDA MONDAY,)

) Plaintiff,)) v.) No. 1:23-cv-01624-TWP-MKK)

TRANSJET CARGO LLC,)

) Defendant.)

ORDER ADOPTING REPORT AND RECOMMENDATION

AND ENTERING FINAL JUDGMENT

The Magistrate Judge submitted her Report and Recommendation to Dismiss Complaint Without Prejudice (Dkt. 53) on December 9, 2025, due to Plaintiff's repeated failures to comply with Court orders. On December 18, 2025, pro se Plaintiff Miranda Monday ("Ms. Monday") filed a letter which the Court construes as an Objection to the Report and Recommendation (Dkt. 54). For the reasons explained in this Order, the Magistrate Judge's Report and Recommendation is adopted, Ms. Monday's objection is overruled, and final judgment is entered.

I. LEGAL STANDARD

A district court may assign dispositive matters to a Magistrate Judge, in which case the Magistrate Judge may submit to the district judge only a report and recommended disposition, including any findings of fact. 28 U.S.C. § 636(b)(1)(B) (2012); Fed. R. Civ. P. 72(b)(1). See also Schur v. L.A. Weight Loss Ctrs., Inc., 577 F.3d 752, 760 (7th Cir. 2009). Because the Report and Recommendation suggests dismissal without prejudice—a dispositive ruling—as an appropriate sanction for Ms. Monday's failure to appear, the Court reviews the recommendation and Ms.

Monday's objection de novo. "The magistrate judge's recommendation on a dispositive matter is not a final order, and the district judge makes the ultimate decision to adopt, reject, or modify it." *Schur v. L.A. Weight Loss Ctrs., Inc.*, 577 F.3d 752, 760 (7th Cir. 2009). See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). After a magistrate judge makes a report and recommendation, either party may object within fourteen days. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). When a party raises specific objections to findings and recommendations made within the magistrate judge's report, the district court is required to review those objections de novo, determining for itself whether the recommendations are supported by substantial evidence or were the result of an error of law. 28 U.S.C. § 636(b)(1) (2012); Fed. R. Civ. P. 72(b)(3). See also *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

II. DISCUSSION

This matter is set for final pretrial conference on January 7, 2026 and trial by jury on January 26, 2026. A Telephonic Status Conference before the Magistrate Judge was scheduled for December 8, 2025 (Dkt. 49). Ms. Monday failed to appear for the conference and "due to Plaintiff's repeated failure to comply with the Court's orders, the Magistrate Judge recommends to the District Judge that this complaint be DISMISSED WITHOUT PREJUDICE. " (Dkt. 53 at 2). In her objection to the Report and Recommendation, Ms. Monday explains that she missed the telephonic status conference because she mixed up her court dates in a separate state court matter that coincided with the dates in this case (Dkt. 54). However, the chronological case summary from the state court matter shows otherwise. The final pretrial conference in the state case was set for a date nearly four weeks before the status conference here. See Order Resetting Case, *State of Indiana v. Miranda Monday*, No. 55D03-2508-F6-488 (Marion Super. Ct. November 12, 2025). Therefore, there was no scheduling conflict on the date of the status conference, and there should have been no confusion about Ms. Monday's obligations to appear telephonically on December 8, 2025. The Court acknowledges that Ms. Monday is self-represented, and her pro se filings are construed liberally, however, pro se litigants such as Ms. Monday are not exempt from procedural rules. See *Pearle Vision, Inc. v. Romm*, 541 F.3d 751, 758 (7th Cir. 2008) (noting that "pro se litigants are not excused from compliance with procedural rules"); *Members v. Paige*, 140 F.3d 699, 702 (7th Cir. 1998) (stating that procedural rules "apply to uncounseled litigants and must be enforced"). Ms. Monday's failure to appear on December 8, 2025 is not her first instance of noncompliance with Court orders. It follows two previous unexcused absences from court proceedings: the telephonic status conference on April 16, 2025 (Dkt. 46) and the show cause hearing on May 21, 2025 (Dkt. 48). After each absence, the Magistrate Judge expressly warned Ms. Monday that her claims could be dismissed if she failed to prosecute or comply with court orders. (See Dkt. 46; Dkt. 48)("[A] failure to comply with court orders, participate in discovery, or appear for conferences may result in sanctions, up to and including dismissal of the case."). The Magistrate Judge reiterated this warning at a June 26, 2025 conference, where Ms. Monday acknowledged that she understood the potential ramifications of future noncompliance. (Dkt. 49) ("Plaintiff

indicated that she understood and that she further understood that her case could be dismissed in the event of future non-compliance."'). At the conclusion of the June 26th conference, the Magistrate Judge re-instated case deadlines and ordered the parties to file final witness and exhibit lists by July 30, 2025. *Id.* Defendant filed its final witness and exhibit list well in advance of this deadline. (Dkt. 47). To date, Ms. Monday has not filed any final witness or exhibit list. A district court has inherent power to sanction a party who 'has willfully abused the judicial process or otherwise conducted litigation in bad faith.' *Secrease v. W. & S. Life Ins.*, 800 F.3d 397, 401 (7th Cir. 2015); see also *S.E.C. v. First Choice Mgmt. Servs.*, 678 F.3d 538, 543 (7th Cir. 2012) ("Judges have inherent authority to impose sanctions for misconduct by litigants, their lawyers, witnesses, and others who participate in a lawsuit over which the judge is presiding."). In deciding what measure of sanctions to impose, the district court should consider the egregiousness of the conduct in question in relation to all aspects of the judicial process." *Greviskes v. Universities Rsch. Ass'n, Inc.*, 417 F.3d 752, 759 (7th Cir. 2005) (cleaned up). "Sanctions, including dismissal, must be proportionate to the circumstances. *Donelson v. Hardy*, 931 F.3d 565, 569 (7th Cir. 2019) (internal citation omitted). Considering the repeated warnings and notice, her failure to file a witness or exhibit list for the impending trial, and for her failure to appear for the December 8, 2025 telephonic status conference on the eve of her jury trial scheduled for January 2026, the sanction of dismissal is warranted. By failing to file her witness and exhibit list, Ms. Monday has ignored the pending litigation, which is prejudicial to the Defendant's ability to proceed in the efficient prosecution of its case and prejudicial to the Court's orderly administration of its docket. Because Ms. Monday once again failed to meet court-ordered deadlines and did not appear on December 8, 2025 for a Court proceeding for the third time, her Objection is overruled and the Court adopts the Magistrate Judge's Report and Recommendation.

III. CONCLUSION

Upon de novo review, the Court finds that the Magistrate Judge's recommendations are supported by substantial evidence and not the result of an error of law. For the reasons explained in this Order, Plaintiff Miranda Monday's Objection to the recommendation of the Magistrate Judge, Dkt. [54] is **OVERRULED**. The Court, having considered the Magistrate Judge's Report and Recommendation, Dkt. [53] hereby **ADOPTS** it, and this action is **DISMISSED WITHOUT PREJUDICE**. The final pretrial conference date and jury trial dates are **VACATED**. Final judgment will issue under separate order. **SO ORDERED**. Date: _ 12/23/2025 O Watton rath Hon. Tanya Walton Pratt, Judge United States District Court Southern District of Indiana Distribution:

MIRANDA MONDAY

7507 Turnberry Court Indianapolis, IN 46237 Alexandra Megan Dowers
alexandra@mjcattorneys.com Christopher Paul Jeter Massillamany Jeter & Carson LLP
chris@mjcattorneys.com

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