

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Benedicta Fowlkes v. NBA/WNBA

Fowlkes · No. 26-CV-733-JPS · Decided May 26, 2026

SUMMARY

The court overruled Benedicta Fowlkes’s objections to a magistrate judge’s report and recommendation and adopted the recommendation to dismiss her pro se complaint against the NBA/WNBA. The court concluded that her claims were frivolous and dismissed the action with prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	P. Stadtmueller
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	May 26, 2026
DOCKET	26-CV-733-JPS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's report and recommendation recommending dismissal with prejudice of her complaint as frivolous. The district court overruled the objections, adopted the recommendation, and dismissed the action with prejudice.
STANDARD OF REVIEW	The court considered objections to a magistrate judge's report and recommendation under 28 U.S.C. § 636(b)(1)(B), Federal Rule of Civil Procedure 72(b), and General Local Rule 72(c). The opinion does not expressly state the applicable review standard.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation or stated precedential designation.
PARTIES	Benedicta Fowlkes v. NBA/WNBA

TOPICS

- appellate procedure
- waiver
- motions to dismiss
- civil procedure

PRACTICE AREAS

civil procedure

federal courts

civil rights

QUESTIONS PRESENTED

1. Whether Fowlkes's objections to the magistrate judge's report and recommendation were waived because they were undeveloped.
2. Whether the magistrate judge's recommendation to dismiss Fowlkes's frivolous claims with prejudice should be adopted.

HOLDINGS

1. Objections that are undeveloped and fail to present developed legal arguments are waived, even when asserted by a pro se litigant.
2. Because Fowlkes's claims were frivolous, dismissal with prejudice was appropriate.

FACTUAL BACKGROUND

Benedicta Fowlkes filed a pro se complaint alleging that NBA/WNBA defendants had harassed her since birth. In her objections, she asked the court to help her keep a job, stop defendants from hindering her employment and interfering with degrees for which she applied, obtain honorary recognition in law, business, and nursing, and prevent further harassment in her relationships and the job market. The court characterized the objections and underlying claims as legally undeveloped and frivolous.

PROCEDURAL HISTORY

Fowlkes filed a pro se complaint alleging that NBA/WNBA defendants had harassed her since birth and sought court intervention concerning employment, educational recognition, personal relationships, and the job market. Magistrate Judge William E. Duffin found her indigent for purposes of proceeding without prepayment of the filing fee but recommended dismissal with prejudice because the claims were frivolous. After Fowlkes filed objections, the district court overruled them, adopted the report and recommendation, dismissed the case with prejudice, and directed the clerk to enter judgment.

DISPOSITION

dismissed

CASES CITED

- Denton v. Hernandez, 504 U.S. 25, 32 (1992)
- Carpenter v. Berryhill, No. 1:16-cv-0833-DKL-WTL, 2017 WL 1074573, at *1 (S.D. Ind. Mar. 22, 2017)
- Crespo v. Colvin, 824 F.3d 667, 673 (7th Cir. 2016)
- Oden v. Page, 23 F. App'x 553, 555 (7th Cir. 2001)
- Provident Sav. Bank v. Popovich, 71 F.3d 696, 699-700 (7th Cir. 1995)

- Theede v. United States Department of Labor, 172 F.3d 1262, 1268 (10th Cir. 1999)
- Glisson v. U.S. Forest Service, 876 F. Supp. 1016, 1025 (N.D. Ill. 1993)
- Small v. Endicott, 998 F.2d 411, 416 n.3 (7th Cir. 1993)
- El v. AmeriCredit Fin. Servs., Inc., 710 F.3d 748, 751 (7th Cir. 2013)
- Beauchamp v. Sullivan, 21 F.3d 789, 790-91 (7th Cir. 1994)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN BENEDICTA FOWLKES, Plaintiff, Case No. 26-CV-733-JPS v. NBA/WNBA, ORDER Defendants. On April 27, 2026, Plaintiff Benedicta Fowlkes (“Fowlkes”) filed a pro se complaint alleging that Defendants NBA/WNBA have harassed her since birth. ECF No. 1.

The case was randomly assigned to Magistrate Judge William E. Duffin. Magistrate Judge Duffin has submitted a report and recommendation, in which he determined that Fowlkes was indigent for the purpose of proceeding without prepayment of the filing fee. ECF No. 4.

However, he also found that Fowlkes’ claims were frivolous and recommended the action be dismissed with prejudice. ECF No. 5 at 5 (citing *Denton v. Hernandez*, 504 U.S. 25, 32 (1992)). Pursuant to General Local Rule 72(c), 28 U.S.C. § 636(b)(1)(B), and Federal Rule of Civil Procedure 72(b), the parties were advised that written objections to the magistrate’s recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation.

ECF No. 5. Fowlkes has filed objections. ECF No. 6. According to Fowlkes, the Court should not dismiss her case because she “need[s] the [C]ourt’s help [to] keep a job[,] to tell the NBA/WNBA to stop hindering {her} from a job[,]” and from interfering with the “degrees that [she] applied for.” *Id.* at 1.

To that end, she asks the Court to “help [her] get [h]onorary recognition... in those fields of study,” namely law, business, and nursing. *Id.* She also seeks to have the Court intervene to “prevent the NBA/WNBA” from “harass[ing] [her] further in [her] personal relationships and in the job market.” *Id.* These objections are undeveloped at best; therefore, they are waived.

Carpenter v. Berryhill, No. 1:16-cv-0833-DKL-WTL, 2017 WL 1074573, at *1 (S.D. Ind. Mar. 22, 2017) (citing *Crespo v. Colvin*, 824 F.3d 667, 673 (7th Cir. 2016)). Fowlkes’ pro se status does not immunize her from having to develop legal arguments. See *Oden v. Page*, 23 F. App’x 553, 555 (7th Cir. 2001) (citing *Provident Sav. Bank v. Popovich*, 71 F.3d 696, 699–700 (7th Cir.

1995) and *Theede v. United States Dep’t of Lab.*, 172 F.3d 1262, 1268 (10th Cir. 1999)); *Glisson v. U.S. Forest Serv.*, 876 F. Supp. 1016, 1025 (7th Cir. 1993) (citing *Small v. Endicott*, 998 F.2d 411, 416 n.3 (7th Cir. 1993)).

As such, the Court will overrule Fowlkes' objections and adopt Magistrate Judge Duffin's recommendation to dismiss the case. Because Fowlkes' claims are frivolous, this dismissal will operate with prejudice. *El v. AmeriCredit Fin. Servs., Inc.*, 710 F.3d 748, 751 (7th Cir. 2013) (citing *Beauchamp v. Sullivan*, 21 F.3d 789, 790–91 (7th Cir. 1994)).

Accordingly, IT IS ORDERED Plaintiff Benedicta Fowlkes' objections to Magistrate Judge William E. Duffin's report and recommendation, ECF No. 6, be and the same are hereby OVERRULED; IT IS FURTHER ORDERED that Magistrate Judge William E. Duffin's report and recommendation, ECF No. 5, be and the same is hereby ADOPTED; and IT IS FURTHER ORDERED that this case be and the same is hereby DISMISSED with prejudice.

The Clerk of the Court is directed to enter judgment accordingly. Dated at Milwaukee, Wisconsin, this 26th day of May, 2026. A vo BARS P. Stdtmueller '8. District Judge This Order and the judgment to follow are final. A dissatisfied party may appeal this Court's decision to the Court of Appeals for the Seventh Circuit by filing in this Court a notice of appeal within thirty (30) days of the entry of judgment.

See FED. R. App. P. 3, 4. This Court may extend this deadline if a party timely requests an extension and shows good cause or excusable neglect for not being able to meet the thirty-day deadline. See FED. R. App. P. 4(a)(5)(A).

Moreover, under certain circumstances, a party may ask this Court to alter or amend its judgment under Federal Rule of Civil Procedure 59(e) or ask for relief from judgment under Federal Rule of Civil Procedure 60(b). Any motion under Federal Rule of Civil Procedure 59(e) must be filed within twenty-eight (28) days of the entry of judgment.

The Court cannot extend this deadline. See FED. R. Civ. P. 6(b)(2). Any motion under Federal Rule of Civil Procedure 60(b) must be filed within a reasonable time, generally no more than one year after the entry of the judgment.

The Court cannot extend this deadline. See *id.* A party is expected to closely review all applicable rules and determine what, if any, further action is appropriate in a case. Page 3 of 3