

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

Madilynn Mary Ellen Every v. MGM Trucking LLC, et al.

Madilynn Mary Ellen Every v. MGM Trucking LLC, No. 1:25-CV-560-DAB-LPA (M.D.N.C. Apr. 16, 2026) ·
No. 1:25-CV-560-DAB-LPA · Decided April 16, 2026

SUMMARY

The United States District Court for the Middle District of North Carolina adopted a magistrate judge’s recommendation to grant the plaintiff leave to amend and add a party. Because adding a North Carolina defendant destroyed complete diversity, the court remanded the action to Cabarrus County Superior Court and ordered each party to bear its own costs and attorney’s fees.

CASE DETAILS

COURT	United States District Court for the Middle District of North Carolina
WRITING FOR THE COURT	David A. Bragdon
JURISDICTION	United States District Court for the Middle District of North Carolina
DECIDED	April 16, 2026
DOCKET	1:25-CV-560-DAB-LPA
DISPOSITION	remanded
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's memorandum opinion and recommendation, to which no party objected, recommending that Plaintiff be permitted to amend the complaint to add a new party and that the action be remanded to state court.
STANDARD OF REVIEW	When no party objects to a magistrate judge's recommendation, the district court must satisfy itself that there is no clear error on the face of the record before accepting the recommendation.
PRECEDENTIAL VALUE	unpublished

TOPICS

- motion to amend
- subject matter jurisdiction
- civil procedure
- federalism

PRACTICE AREAS

- civil procedure
- federal jurisdiction
- remand

QUESTIONS PRESENTED

1. Whether the magistrate judge's recommendation should be accepted in the absence of objections under a clear-error standard of review.
2. Whether adding a North Carolina corporate defendant destroyed complete diversity and required remand for lack of subject matter jurisdiction.

HOLDINGS

1. When no party objects to a magistrate judge's recommendation, the district court need only determine whether there is clear error on the face of the record before accepting the recommendation.
2. Adding a North Carolina corporate defendant destroyed complete diversity and deprived the federal court of subject matter jurisdiction, requiring remand to state court.

KEY QUOTATIONS

“Because there are no objections, the Court “must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’””

“As the new defendant in the Amended Complaint is a North Carolina corporation, complete diversity is destroyed, depriving this court of subject matter jurisdiction.”

FACTUAL BACKGROUND

Plaintiff sought leave to amend the complaint to add a new defendant. The proposed new defendant is a North Carolina corporation. The court concluded that adding the North Carolina defendant destroyed complete diversity and deprived the federal court of subject matter jurisdiction.

PROCEDURAL HISTORY

The action originated in Cabarrus County Superior Court and was removed to federal court based on diversity jurisdiction. The magistrate judge recommended granting Plaintiff's motion for leave to amend and add a new party and remanding the case. After the objection deadline passed without objections, the district court reviewed the recommendation for clear error, adopted it, and remanded the action to Cabarrus County Superior Court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action is remanded to Cabarrus County Superior Court. Each party must bear its own costs and attorney's fees.

CASES CITED

- *Diamond v. Colonial Life & Accident Insurance Co.*, 416 F.3d 310, 315 (4th Cir. 2005)

OPINION

EVERY

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MADILYNN MARY ELLEN

EVERY,

Plaintiff,

1:25-CV-560-DAB-LPA

v. MGM TRUCKING LLC, et al., Defendants.

ORDER

This matter is before the Court for review of the Memorandum Opinion and Recommendation filed on March 26, 2026. (D.E. 14.) The Magistrate Judge recommends granting Plaintiff's Motion for Leave to Amend Complaint and Add New Party (D.E. 9) and remanding to the state court in which the case originated. The deadline for objections passed on April 9, 2026, and no parties have objected to the Recommendation. Because there are no objections, the Court "must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. Proc. 72 advisory committee's note). This Court has accordingly reviewed the Recommendation and concludes it contains no clear error. As the new defendant in the Amended Complaint is a North Carolina corporation, complete diversity is destroyed, depriving this court of subject matter jurisdiction. Accordingly, it is ORDERED that the Magistrate Judge's Recommendation (D.E. 14) is ADOPTED and this action is REMANDED to Cabarrus County Superior Court, with each party to bear his, her or its own costs and attorney's fees, as this court no longer has subject-matter jurisdiction over this action. This the 16th day of April, 2026. /s/ David A. Bragdon United States District Judge