

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NORTH CAROLINA, STATESVILLE DIVISION

Janet G. Isbell v. Scott Goodwin et al.

No. 5:25-CV-00103-MEO-DCK (W.D.N.C. Apr. 6, 2026) · No. 5:25-CV-00103-MEO-DCK · Decided April 7, 2026

SUMMARY

The United States District Court for the Western District of North Carolina adopted the Magistrate Judge’s Memorandum and Recommendation concerning Plaintiff Janet G. Isbell’s motion to remand. The court denied the motion without prejudice and allowed Plaintiff fourteen days to seek leave to amend her complaint under Federal Rule of Civil Procedure 15.

CASE DETAILS

COURT	United States District Court for the Western District of North Carolina, Statesville Division
WRITING FOR THE COURT	Matthew E. Orso
JURISDICTION	United States District Court for the Western District of North Carolina, Statesville Division
DECIDED	April 7, 2026
DOCKET	5:25-CV-00103-MEO-DCK
DISPOSITION	remanded
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Memorandum and Recommendation concerning Plaintiff's motion to remand to state court. No party filed timely objections.
STANDARD OF REVIEW	In the absence of timely objections to a magistrate judge's M&R, the district court reviews the record for clear error rather than conducting de novo review; portions subject to specific written objections receive de novo review.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation
PARTIES	Janet G. Isbell v. Scott Goodwin et al.

TOPICS

- civil procedure
- motion to amend
- pleadings

PRACTICE AREAS

civil procedure

QUESTIONS PRESENTED

1. What standard of review applies when no party timely objects to a magistrate judge's Memorandum and Recommendation?
2. Whether the magistrate judge's recommendation to deny Plaintiff's motion to remand without prejudice should be adopted.
3. Whether the recommended period for Plaintiff to seek leave to amend should be modified.

HOLDINGS

1. When no timely objection is filed to a magistrate judge's Memorandum and Recommendation, the district court need not conduct de novo review and instead must satisfy itself that there is no clear error on the face of the record.
2. A party's failure to make a timely objection to the M&R constitutes a waiver of the party's right to de novo review of the issues covered by the recommendation.
3. The magistrate judge's recommendation was adopted, and Plaintiff's motion to remand to state court was denied without prejudice.
4. Plaintiff was allowed fourteen days from entry of the order to seek leave to amend her complaint under Federal Rule of Civil Procedure 15.

KEY QUOTATIONS

"in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (Section II)

"Therefore, the parties have waived their right to de novo review of any issue covered in the M&R." (Section III)

FACTUAL BACKGROUND

The opinion does not restate the underlying factual background, instead adopting the facts set forth in the magistrate judge's Memorandum and Recommendation. The material procedural facts are that Plaintiff sought remand to state court and that the magistrate judge recommended denial without prejudice and an opportunity to seek leave to amend.

PROCEDURAL HISTORY

Plaintiff moved to remand the action to state court. The magistrate judge recommended denying the motion without prejudice and allowing Plaintiff additional time to seek leave to amend her complaint. Because no party objected, the district court reviewed the M&R for clear error, adopted the recommendation, denied the motion

without prejudice, modified the recommended amendment period, and allowed fourteen days to seek leave to amend.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The motion to remand was denied without prejudice. Plaintiff may seek leave to amend her complaint under Federal Rule of Civil Procedure 15 within fourteen days after entry of the order.

CASES CITED

- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Camby v. Davis, 718 F.2d 198, 199-200 (4th Cir. 1983)
- Thomas v. Arn, 474 U.S. 140, 149-152 (1985)

OPINION

Isbell

PER CURIAM.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF NORTH CAROLINA

STATESVILLE DIVISION

5:25-CV-00103-MEO-DCK

JANET G. ISBELL,)

) Plaintiff,)) v.) ORDER) SCOTT GOODWIN et al.,)) Defendants.)) THIS MATTER is before the Court on Court on Plaintiff's Motion to Remand Back to State Court (Doc. No. 12) and the Magistrate Judge's Memorandum and Recommendation ("M&R") (Doc. No. 17) recommending that this Court deny Plaintiff's motion without prejudice. The parties have not filed objections to the M&R, and the time for doing so has expired. Fed. R. Civ. P. 72(b)(2).

I. BACKGROUND

No party has objected to the Magistrate Judge's statement of the factual and procedural background of this case. Therefore, the Court adopts the facts as set forth in the M&R.

II. LEGAL STANDARD

A district court may assign dispositive pretrial matters, including motions to remand, to a magistrate judge for "proposed findings of fact and recommendations for the disposition" of such matters. 28 U.S.C. § 636(b)(1). Any party may object to the magistrate judge's proposed findings and recommendations, and the court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." Id.; Fed. R. Civ. P. 72(b)(3). However, "in the absence of a timely filed objection, a district court need not

conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’” and need not give any explanation for adopting the M&R. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note); *Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983). After reviewing the record, the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

III. DISCUSSION

Under Rule 72(b) of the Federal Rules of Civil Procedure, a district court judge shall make a de novo determination of any portion of an M&R to which specific written objection has been made. A party’s failure to make a timely objection is accepted as an agreement with the conclusions of the Magistrate Judge. See *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). No objection to the M&R has been filed, and the time for doing so has passed. Therefore, the parties have waived their right to de novo review of any issue covered in the M&R. Nevertheless, this Court has conducted a full review of the M&R and other documents of record and, having done so, hereby finds that the recommendation of the Magistrate Judge is, in all respects, in accordance with the law and should be approved. Accordingly, the Court ADOPTS the recommendation of the Magistrate Judge to deny Plaintiff’s motion without prejudice. The Magistrate Judge further recommends that Plaintiff be allowed additional time to seek leave to amend her Complaint pursuant to Federal Rule of Civil Procedure 15. (Doc. No. 17 at 4). The Court MODIFIES that recommendation and ALLOWS Plaintiff fourteen (14) days to seek such leave.

IV. CONCLUSION

IT IS, THEREFORE, ORDERED that:

1. The Magistrate Judge’s M&R (Doc. No. 17) is ADOPTED;
 2. Plaintiff’s Motion to Remand (Doc. No. 12) is DENIED WITHOUT PREJUDICE;
- and
3. Plaintiff may seek leave to amend her complaint pursuant to Federal Rule of Civil Procedure 15 within fourteen (14) days of the entry of this Order. SO ORDERED. Signed: April 6, 2026 Matthew E. Orso oy United States District Judge ey