

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)