

**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

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