

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
MISSISSIPPI, OXFORD DIVISION

Elizabeth Duffy v. Shahabuddeen A. Ally, et al.

No. 3:26-CV-137-SA-RP, United States District Court for the Northern District of Mississippi, Oxford Division  
(June 17, 2026)

SUMMARY

The United States District Court for the Northern District of Mississippi adopted a magistrate judge’s Report and Recommendation recommending dismissal of Elizabeth Duffy’s claims for failure to state a claim and lack of subject matter jurisdiction. Because Duffy did not object, the court reviewed the recommendation for plain error, adopted it in full, dismissed the case, and closed the matter.

CASE DETAILS

|                       |                                                                                                                                                                                                                       |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of Mississippi, Oxford Division                                                                                                                                |
| WRITING FOR THE COURT | Sharion Aycock                                                                                                                                                                                                        |
| JURISDICTION          | United States District Court for the Northern District of Mississippi, Oxford Division                                                                                                                                |
| DECIDED               | June 17, 2026                                                                                                                                                                                                         |
| DOCKET                | 3:26-CV-137-SA-RP                                                                                                                                                                                                     |
| DISPOSITION           | dismissed                                                                                                                                                                                                             |
| PROCEDURAL POSTURE    | The district court reviewed and adopted a magistrate judge's Report and Recommendation recommending dismissal for failure to state a claim and lack of subject matter jurisdiction. The plaintiff filed no objection. |
| STANDARD OF REVIEW    | For portions of a magistrate judge's report and recommendation to which no objection is made, the court reviews the record for plain error.                                                                           |
| PRECEDENTIAL VALUE    | Unpublished district court order with limited precedential value                                                                                                                                                      |

TOPICS

- subject matter jurisdiction
- motions to dismiss
- civil procedure

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the district court should review the unobjected-to Report and Recommendation for plain error.
2. Whether the Report and Recommendation recommending dismissal for failure to state a claim and lack of subject matter jurisdiction should be adopted.

## HOLDINGS

1. When no objections are filed to portions of a magistrate judge's Report and Recommendation, the district court need only determine whether there is plain error on the face of the record.
2. The court found no plain error, adopted the Report and Recommendation in full, and dismissed the plaintiff's claims for failure to state a claim on which relief may be granted and for lack of subject matter jurisdiction.

## KEY QUOTATIONS

*“With respect to those portions of the report and recommendation to which no objections were raised, the Court need only satisfy itself that there is no plain error on the face of the record.” (Order)*

*“The recommendation is ADOPTED IN FULL. Duffy’s claims are hereby DISMISSED. This CASE is CLOSED.” (Order)*

## FACTUAL BACKGROUND

The opinion provides no substantive factual allegations concerning the plaintiff's claims. The material procedural fact is that the plaintiff did not object to the magistrate judge's recommendation, and the Report and Recommendation was returned as undeliverable after being mailed to the address the plaintiff provided.

## PROCEDURAL HISTORY

On June 2, 2026, Magistrate Judge Percy issued a Report and Recommendation recommending dismissal. The plaintiff did not object before the objection deadline expired. The district court reviewed the recommendation and the record for plain error, found none, adopted the recommendation in full, dismissed the claims, and closed the case.

## DISPOSITION

dismissed

## CASES CITED

- Gauthier v. Union Pac. R.R. Co., 644 F. Supp. 2d 824, 828 (E.D. Tex. 2009)
- Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1428–29 (5th Cir. 1996)

## OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI OXFORD DIVISION ELIZABETH DUFFY PLAINTIFF v. CAUSE NO. 3:26-CV-137-SA-RP SHAHABUDDEEN A. ALLY, et al. DEFENDANTS ORDER DISMISSING CASE  
On June 2, 2026, Magistrate Judge Percy entered a Report and Recommendation [4], wherein he recommended that this case “be DISMISSED for failure to state a claim on which relief may be granted and for lack of subject matter jurisdiction.” [4] at p. 2.

Although the Report and Recommendation [4] explained the applicable procedure for Duffy to object to the recommendation, Duffy has not filed an objection, and the time to do so has now passed.<sup>1</sup> “With respect to those portions of the report and recommendation to which no objections were raised, the Court need only satisfy itself that there is no plain error on the face of the record.” *Gauthier v. Union Pac.*

*R.R. Co.*, 644 F. Supp. 2d 824, 828 (E.D. Tex. 2009) (citing *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996)). The Court has reviewed the Report and Recommendation [4] and the record as a whole.

Having done so, the Court wholly agrees with Magistrate Judge Percy’s recommendation. There is no plain error on the face of the record. The recommendation is ADOPTED IN FULL. Duffy’s claims are hereby DISMISSED. This CASE is CLOSED. SO ORDERED this the 17th day of June, 2026. /s/ Sharion Aycock SENIOR UNITED STATES DISTRICT JUDGE 1 In fact, the Clerk of Court mailed the Report and Recommendation [4] to the address Duffy provided, and it was returned as undeliverable.