

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA

Ternecia Wilson v. Rose Gordon, et al.

Wilson · No. 1:25-CV-00792-BL-KFP · Decided April 30, 2026

SUMMARY

The United States District Court for the Middle District of Alabama overruled Ternecia Wilson’s objections to a magistrate judge’s recommendation. The court adopted the recommendation and dismissed the action without prejudice before service of process for lack of subject-matter jurisdiction and failure to follow a court order.

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama
WRITING FOR THE COURT	Bill Lewis
JURISDICTION	United States District Court for the Middle District of Alabama
DECIDED	April 30, 2026
DOCKET	1:25-CV-00792-BL-KFP
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se plaintiff proceeding in forma pauperis objected to a magistrate judge's recommendation that her amended civil-rights complaint be dismissed before service of process for lack of subject-matter jurisdiction and failure to follow a court order.
STANDARD OF REVIEW	De novo review of those portions of a magistrate judge's report or proposed disposition to which a specific objection is made.
PRECEDENTIAL VALUE	Unknown

TOPICS

- subject matter jurisdiction
- civil procedure
- service of process

PRACTICE AREAS

- civil procedure
- civil rights
- federal jurisdiction

QUESTIONS PRESENTED

1. Whether the district court was required to conduct de novo review of the magistrate judge's recommendation in the absence of specific objections.
2. Whether the action should be dismissed without prejudice before service of process for lack of subject-matter jurisdiction and failure to follow a court order.

HOLDINGS

1. When a party properly objects to a magistrate judge's report or proposed disposition, the district court must make a de novo determination of the portions specifically challenged; objections that merely restate previously considered facts without identifying a specific factual or legal error do not require rejection of the recommendation.
2. The action was properly dismissed without prejudice before service of process for lack of subject-matter jurisdiction and failure to follow a court order.

KEY QUOTATIONS

“A district judge must “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.””

“After careful review of the file and upon consideration of the recommendation of the Magistrate Judge, the court ADOPTS the recommendation of the Magistrate Judge and DISMISSES this action without prejudice prior to service of process for lack of subject-matter jurisdiction and failure to follow a court order.”

FACTUAL BACKGROUND

Ternecia Wilson, proceeding pro se and in forma pauperis, filed an amended complaint against Rose Gordon and other defendants under federal criminal and civil-rights statutes. The magistrate judge determined that the action should be dismissed before service of process for lack of subject-matter jurisdiction and failure to follow a court order. Wilson's objections restated facts but did not identify a specific error in the magistrate judge's factual findings or legal conclusions.

PROCEDURAL HISTORY

Plaintiff filed an amended complaint invoking 18 U.S.C. § 242, 34 U.S.C. § 12601, and 42 U.S.C. § 1983. The magistrate judge recommended dismissal before service of process. After reviewing Plaintiff's objections, the district court overruled them, adopted the recommendation, and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- United States v. Raddatz, 447 U.S. 667, 673, 675 (1980)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION TERNECIA WILSON,)) Plaintiff,)) v.) CASE NO. 1:25-CV-00792-
BL-KFP) ROSE GORDON, et al.,)) Defendants.) ORDER Plaintiff Ternecia Wilson,
proceeding pro se and in forma pauperis, filed an Amended Complaint under 18 U.S.C. § 242, 34
U.S.C. § 12601, and 42 U.S.C. § 1983.

(Doc. 9). On February 24, 2026, the Magistrate Judge recommended that the court dismiss the Plaintiff's case prior to service of process for lack of subject-matter jurisdiction and failure to follow a court order. (Doc. 12).

The Plaintiff filed objections to the recommendation. (Doc. 13). A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). A district judge must "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C); see also Fed.

R. Civ. P. 72(b)(3) ("The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to."). A district court's obligation to "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made" requires a district judge to "give fresh consideration to those issues to which specific objection has been made by a party." *United States v. Raddatz*, 447 U.S. 667, 673, 675 (1980) (internal quotations and citations omitted) (emphasis in *Raddatz*).

In her objections, the Plaintiff merely restates facts that the Magistrate Judge considered in her recommendation and fails to challenge a specific factual finding or legal conclusion of the Magistrate Judge. Because the Plaintiff failed to identify an error in the Magistrate Judge's factual findings or legal conclusions, the court **OVERRULES** the Plaintiff's objections, (doc.

13). After careful review of the file and upon consideration of the recommendation of the Magistrate Judge, the court **ADOPTS** the recommendation of the Magistrate Judge and **DISMISSES** this action without prejudice prior to service of process for lack of subject-matter jurisdiction and failure to follow a court order.

The Court will enter a separate final judgment. **DONE** and **ORDERED** on this the 29th day of April, 2026. / **BILL LEWIS UNITED STATES DISTRICT JUDGE**