

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Calviona Lynise Brown v. EPIC Federal Credit Union et al.

Brown · No. 25-1902 · Decided May 6, 2026

SUMMARY

This Report and Recommendation addresses Plaintiff Calviona Lynise Brown’s decision to omit three defendants from her amended complaint. Because Plaintiff did not file a notice or stipulation under Federal Rule of Civil Procedure 41(a), the court recommends dismissal of those defendants under Rule 21. The recommended dismissals are without prejudice because the case remains in its early stages and the defendants had not been served or participated in the litigation.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Karen Wells Roby
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	May 6, 2026
DOCKET	25-1902
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation addressing the plaintiff's omission of three defendants from her amended complaint and recommending that those defendants be dropped from the action without prejudice under Federal Rule of Civil Procedure 21.
STANDARD OF REVIEW	The report and recommendation states that failure to object within fourteen days bars appellate challenge to unobjected-to factual findings and legal conclusions accepted by the district court, absent plain error.
PRECEDENTIAL VALUE	nonprecedential report and recommendation
PARTIES	Calviona Lynise Brown v. EPIC Federal Credit Union, Brittany Johnson, Experian Information Solutions, Inc., Trans Union LLC, Jade Ealy, High Level Hearing Technology, LLC, Dr. Lana Joseph, Equifax, Inc.

TOPICS

joinder

pleadings

civil procedure

PRACTICE AREAS

civil procedure

federal civil procedure

QUESTIONS PRESENTED

1. Whether a plaintiff's omission of defendants from an amended complaint, without a Rule 41(a) notice of voluntary dismissal or stipulation, should be treated under Rule 21 as a request to drop those defendants.
2. Whether dismissal of the omitted defendants should be with or without prejudice.

HOLDINGS

1. When a plaintiff seeks to drop defendants but has not filed a Rule 41(a) notice of voluntary dismissal or a stipulation signed by all parties, Rule 21 provides the appropriate mechanism for dropping those defendants.
2. Dismissal of the omitted defendants under Rule 21 should be without prejudice because the case was in its early stages, the defendants had not been served or participated, and there was no indication of litigation expense or prejudice.

KEY QUOTATIONS

"In absence of such notice or stipulation, Rule 21 provides the proper mechanism for the Court to dismiss a party."

"For these reasons, the Court finds that dismissal without prejudice is appropriate."

FACTUAL BACKGROUND

Calviona Lynise Brown initially sued multiple defendants, asserting claims under RICO, the ADA, the FCRA, the FDCPA, Title VII, 42 U.S.C. §§ 1981 and 1983, and the Fourth and Fourteenth Amendments. After receiving leave to amend, Brown substantially narrowed her claims and omitted Jade Ealy, High Level Hearing Technology, LLC, and Dr. Lana Joseph from the amended complaint. The record indicated that those defendants had not been served or appeared and that the case remained at the motion-to-dismiss stage without a scheduling order.

PROCEDURAL HISTORY

Plaintiff filed the action on September 15, 2025, asserting various federal claims against multiple defendants. The court granted leave to amend, and the amended complaint omitted Jade Ealy, High Level Hearing Technology, LLC, and Dr. Lana Joseph, as well as all allegations against them. Because plaintiff had not filed a Rule 41(a) notice or stipulation, the magistrate judge recommended dismissal of those defendants under Rule 21 without prejudice. The recommendation was subject to fourteen-day objections.

DISPOSITION

CASES CITED

- Williams v. Taylor Seidenbach, Inc., 958 F.3d 341, 345 (5th Cir. 2020)
- Apac v. Garcia, No. EP-24-cv-00268, 2024 WL 3984039, at *2 (W.D. Tex. Aug. 23, 2024)
- United States of America, ex rel. Doe v. Preferred Care, Inc., 326 F.R.D. 462, 463 (E.D. Ky. 2018)
- DirecTV, Inc. v. Leto, 467 F.3d 842, 845 (3d Cir. 2006)
- John S. Clark Co. v. Travelers Indem. Co., 359 F. Supp. 2d 429, 437 (M.D.N.C. 2004)
- National Rifle Association of America v. Ackerman McQueen, Inc., No. 3:19-cv-2074, 2021 WL 3022903, at *8 (N.D. Tex. July 16, 2021)
- Uniloc 2017, LLC v. Google LLC, No. 2:18-cv-00502, 2019 U.S. Dist. LEXIS 155043, at *4-6 (E.D. Tex. Aug. 16, 2019)
- Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA CALVIONA LYNISE BROWN CIVIL ACTION VERSUS NO: 25-1902 EPIC FEDERAL CREDIT UNION ET AL SECTION: “I” (4) REPORT AND RECOMMENDATION This matter was referred to the undersigned United States Magistrate Judge pursuant to Title 28 U.S.C. ' 636(b) to address non-dispositive pretrial matters and for the submission of Proposed Findings and Recommendations.

I. Background On September 15, 2025, Plaintiff filed her complaint asserting various federal claims under the Racketeer Influenced and Corrupt Organizations Act (RICO), Americans with Disabilities Act (ADA), Fair Credit Reporting Act (FCRA), Fair Debt Collection Practices Act (FDCPA), Title VII of the Civil Rights Act of 1964 (Title VII), 42 U.S.C. § 1981, 42 U.S.C. § 1983, Fourth Amendment, and Fourteenth Amendment.

R. Doc. 1 at 4, 8. Plaintiff named EPIC Federal Credit Union (“EPIC”), Brittany Johnson, Experian Information Solutions, Inc., Trans Union LLC, Jade Ealy, High Level Hearing Technology, LLC (“High Level”), Dr. Lana Joseph, and Equifax, Inc. as Defendants. Id. at 2-3. Plaintiff first alleged that Brittany Johnson, as an agent of EPIC, trespassed, issued sexual threats, and repossessed her vehicle.

R. Doc. 1 at 7. She also claimed that EPIC Federal Credit Union obtained a garnishment judgment against her. R. Doc. 1 at 7. She further alleged that her employer, High Level, through Dr. Lana Joseph and Jade Ealy, violated Title VII by concealing the judgment and garnishing her wages while she was in a coma. Id. She further claimed that Lana Joseph and High Level engaged in Medicaid Fraud for billing children without supervision.

Id. at 8. On January 2, 2026, the Court granted Plaintiff's Motion for Leave to File First Amended Complaint (R. Doc. 28) pursuant to Fed. R. Civ. P. 15(a). R. Doc. 31. In the Amended Complaint, Plaintiff substantially narrows her claims and dropped Jade Ealy, High Level Hearing Technology, LLC, and Lana Joseph as Defendants.¹ R. Doc. 32 at 3-4.

The amended complaint likewise omits all allegations against these parties. II. Law and Analysis
When the plaintiff seeks to dismiss a claim or a defendant, the plaintiff must file a notice of voluntary dismissal or a stipulation signed by all parties under Rule 41(a). See Fed. R. Civ. P. 41(a); *Williams v. Taylor Seidenbach, Inc.*, 958 F.3d 341, 345 (5th Cir.

2020); *Apac v. Garcia*, No. EP-24-cv-00268, 2024 WL 3984039, at *2 (W.D. Tex. Aug. 23, 2024). In absence of such notice or stipulation, Rule 21 provides the proper mechanism for the Court to dismiss a party. Rule 21 asserts that "the court may at any time, on just terms, add or drop a party." Fed. R. Civ. P. 21; see *United States of America, ex rel. Doe v. Preferred Care, Inc.*, 326 F.R.D.

462, 463 (E.D. Ky. 2018). Here, the amended complaint reflects Plaintiff's intent to no longer pursue claims against High Level Hearing Technology, LLC, Lana Joseph, and Jade Ealy because they are no longer listed as parties therein and the amended complaint omits all allegations against them.

However, Plaintiff has not filed a notice of dismissal under Rule 41(a) signed by the parties. In the absence of a notice or stipulation, Rule 21 applies. Applying Rule 21, there is no indication that these Defendants have been served or have made an appearance in the lawsuit, nor is there any indication that dismissal would prejudice the 1 The issue raised by the Plaintiff's decision to drop parties is whether Federal Rule of Civil Procedure 41 or 21 applies. remaining parties.

Under these circumstances, the Court recommends dismissal of High Level Hearing Technology, LLC, Dr. Lana Joseph, and Jade Ealy pursuant to Rule 21. Having determined that Rule 21 is the appropriate mechanism to dismiss these Defendants, the remaining issue is whether dismissal should be with or without prejudice. Courts generally find that when a party is dropped pursuant to Rule 21, that party is dismissed without prejudice.

See *DirecTV, Inc. v. Leto*, 467 F.3d 842, 845 (3d Cir. 2006) ("When a Court "drops" a defendant under Rule 21, that defendant is dismissed from the case without prejudice."); *John S. Clark Co. v. Travelers Indem. Co.*, 359 F. Supp. 2d 429, 437 (M.D.N.C. 2004) ("Dismissal of a misjoined party under Rule 21 is without prejudice; a claim by or against such a party may be refiled as a separate suit."); 4 *Moore's Federal Practice* § 21.03 (Matthew Bender 3d ed.

2003). Courts also consider the procedural posture of the case, prejudice to the defendants, and incurred litigation expenses. See *Nat'l Rifle Ass'n of Am. v. Ackerman McQueen, Inc.*, No. 3:19-cv-2074, 2021 WL 3022903, at *8 (N.D. Tex. July 16, 2021) (determining that dismissal of a defendant without prejudice is appropriate when the case is in its "early stages" and the parties

would not incur further litigation expense); *Uniloc 2017, LLC v. Google LLC*, No. 2:18-cv-00502, 2019 U.S. Dist.

LEXIS 155043, at *4-6 (E.D. Tex. Aug. 16, 2019) (finding a Plaintiff should be dismissed without prejudice when the case had been pending for six months and the Court imposed a scheduling order one month before the other plaintiff filed a motion to drop the party).

Here, the case is still in its early stages, as it is presently at the motion-to-dismiss stage and a scheduling order has not been entered. Likewise, as stated previously, the record reflects that High Level Hearing Technology, LLC, Lana Joseph, and Jade Ealy have not been served or otherwise participated in the litigation.

As such, there is no indication that Defendants incurred litigation expenses or would otherwise suffer prejudice if dismissed from the present action. For these reasons, the Court finds that dismissal without prejudice is appropriate. **HI. Conclusion** Accordingly, **IT IS RECOMMENDED** that Plaintiff Calviona Lynise Brown's claims against Defendants Jade Ealy, High Level Hearing Technology, LLC, and Lana Joseph be **DISMISSED WITHOUT PREJUDICE** pursuant to Fed.

R. Civ. P. 21. A party's failure to file written objections to the proposed findings, conclusions, and recommendation in a magistrate judge's report and recommendation within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court, provided that the party has been served with notice that such consequences will result from a failure to object.

Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996).? New Orleans, Louisiana, this 6th day of May 2026. KAREN WELLS "ont UNITED STATES MAGISTRATE JUDGE Douglass referenced the previously applicable ten-day period for the filing of objections. Effective December 1, 2009, 28 U.S.C. § 636(b)(1) was amended to extend the period to fourteen days.