

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PRECEDENTIAL VALUE	nonprecedential report and recommendation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

other

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)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-eastern-district-of-louisiana-united-states-district-court-for/2026/calviona-lynise-brown-v-epic-federal-credit-union-et-al-8pm4opw5>