

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
NORTH CAROLINA

Carlos A. Alford v. Department of Commerce et al.

No. 7:25-CV-418-BO-BM (E.D.N.C. Apr. 8, 2026) · No. No. 7:25-CV-418-BO-BM · Decided April 8, 2026

SUMMARY

The United States District Court for the Eastern District of North Carolina adopts an unopposed magistrate judge’s memorandum and recommendation after clear-error review. The court dismisses some Rehabilitation Act, Civil Service Reform Act, and state-law claims, permits other claims to proceed against specified defendants, substitutes the Secretary of Commerce, and directs the plaintiff to submit proposed summonses.

CASE DETAILS

COURT	United States District Court for the Eastern District of North Carolina
WRITING FOR THE COURT	Terrence W. Boyle
JURISDICTION	United States District Court for the Eastern District of North Carolina
DECIDED	April 8, 2026
DOCKET	No. 7:25-CV-418-BO-BM
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed an unopposed magistrate judge's memorandum and recommendation addressing in forma pauperis status, frivolity review, and partial dismissal of the complaint.
STANDARD OF REVIEW	Clear-error review applies when no specific objections are filed to a magistrate judge's memorandum and recommendation. Specific objections would receive de novo review, and pro se objections are reviewed de novo as to articulated grounds.
PRECEDENTIAL VALUE	unpublished district court order; limited persuasive value

TOPICS

- civil procedure
- civil service
- federal employment law
- retaliation
- service of process

PRACTICE AREAS

- federal civil procedure
- federal employment law
- civil rights
- administrative law

QUESTIONS PRESENTED

1. Whether the court should adopt the unopposed magistrate judge's memorandum and recommendation after reviewing it for clear error.
2. Which defendants and claims should remain after the magistrate judge's frivolity review.
3. What service requirements apply to the federal-employee defendants and the United States.

HOLDINGS

1. Because no party filed specific objections and the objection period expired, the district court reviewed the memorandum and recommendation for clear error, found none, and adopted it in full.
2. The magistrate judge's recommendation was adopted: the Secretary of Commerce was substituted as defendant for the Rehabilitation Act and CSRA claims; the Rehabilitation Act retaliatory-discharge claim was dismissed; the Rehabilitation Act hostile-work-environment and failure-to-accommodate claims and the CSRA claim could proceed against Secretary Lutnick but were dismissed as to all other defendants; and the state-law defamation claim could proceed against Holly Hillman but was dismissed as to all other defendants.
3. Plaintiff was required to provide proposed summonses for the federal employees, the civil process clerk, the United States Attorney for the Eastern District of North Carolina, and the Attorney General of the United States, after which the United States Marshal was directed to serve the defendants pursuant to Rule 4.

KEY QUOTATIONS

“Where no specific objections have been filed, the court reviews for clear error only.”

“The Court has reviewed the M&R for clear error and finds none. Accordingly, the M&R [DE 9] is ADOPTED in full.”

FACTUAL BACKGROUND

Plaintiff Carlos A. Alford brought Rehabilitation Act, Civil Service Reform Act, and state-law defamation claims against the Department of Commerce and individual defendants. The order permitted certain Rehabilitation Act and CSRA claims to proceed against Secretary of Commerce Howard Lutnick and permitted the defamation claim to proceed against Holly Hillman, while dismissing other claims and defendants. Because the remaining defendants included federal employees, the court required service compliant with Federal Rule of Civil Procedure 4(i).

PROCEDURAL HISTORY

Magistrate Judge Brian S. Meyers permitted plaintiff to proceed in forma pauperis, conducted a frivolity review, and recommended that some claims be dismissed while others proceed. No party filed objections, and the objection period expired. The district court reviewed the recommendation for clear error, found none, adopted it in full, substituted the Secretary of Commerce for the Department of Commerce on the Rehabilitation Act and

Civil Service Reform Act claims, dismissed specified claims and defendants, and directed plaintiff to submit proposed summonses.

DISPOSITION

other

CASES CITED

- Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005)
- United States v. Midgett, 478 F.3d 616, 622 (4th Cir. 2007)
- Elijah v. Dunbar, 66 F.4th 454, 460-61 (4th Cir. 2023)
- Dunlap v. TM Trucking of the Carolinas, LLC, 288 F. Supp. 3d 654, 662 (D.S.C. 2017)
- Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983)

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