

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
NORTH CAROLINA, WESTERN DIVISION

**Taurean Small v. Federal Trade Commission, et al.**

Small · No. 5:25-cv-00330-M · Decided March 20, 2026

SUMMARY

The United States District Court for the Eastern District of North Carolina adopts a magistrate judge’s Memorandum and Recommendation recommending dismissal of Taurean Small’s complaint against the Federal Trade Commission and other defendants. Because no objections were filed and the court found no clear error, the complaint was dismissed for failure to state a viable claim, and the Clerk was directed to close the case.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                                                      |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the Eastern District of North Carolina, Western Division                                                                                                                                                                                            |
| JURISDICTION       | United States District Court for the Eastern District of North Carolina, Western Division                                                                                                                                                                                            |
| DECIDED            | March 20, 2026                                                                                                                                                                                                                                                                       |
| DOCKET             | 5:25-cv-00330-M                                                                                                                                                                                                                                                                      |
| DISPOSITION        | dismissed                                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE | The district court reviewed a magistrate judge's Memorandum and Recommendation recommending dismissal of the complaint for failure to state a viable claim. No objections were filed.                                                                                                |
| STANDARD OF REVIEW | Absent a specific and timely objection to a magistrate judge's recommendation, the district court reviews for clear error and need not provide an explanation for adopting the recommendation. Portions to which objection is made are reviewed de novo under 28 U.S.C. § 636(b)(1). |
| PRECEDENTIAL VALUE | nonprecedential district court order                                                                                                                                                                                                                                                 |
| PARTIES            | Taurean Small v. Federal Trade Commission, et al.                                                                                                                                                                                                                                    |

TOPICS

- pleadings
- civil procedure
- motions to dismiss

## PRACTICE AREAS

civil procedure

federal civil procedure

## QUESTIONS PRESENTED

1. Whether the district court should review the magistrate judge's Memorandum and Recommendation for clear error when no timely objections were filed.
2. Whether the complaint should be dismissed for failure to state a viable claim.

## HOLDINGS

1. When no specific and timely objection is filed, the district court reviews the magistrate judge's recommendation for clear error and may adopt it without providing an explanation.
2. The complaint was dismissed for failure to state a viable claim.

## KEY QUOTATIONS

*"Absent a specific and timely objection, the court reviews only for "clear error" and need not give any explanation for adopting the recommendation."*

## FACTUAL BACKGROUND

The opinion provides no substantive facts concerning the underlying dispute or the claims against the Federal Trade Commission. Plaintiff filed a complaint and sought to proceed without paying a filing fee. The magistrate judge recommended dismissal for failure to state a viable claim, and the district court adopted that recommendation after finding no clear error.

## PROCEDURAL HISTORY

Magistrate Judge Robert T. Numbers II allowed Plaintiff to proceed without paying a filing fee and recommended dismissal of the complaint. The recommendation was issued on October 14, 2025, and objections were due October 31, 2025. After receiving the recommendation for disposition on November 14, 2025, the district court found no clear error, adopted the recommendation, dismissed the complaint, and directed the Clerk to close the case.

## DISPOSITION

dismissed

## CASES CITED

- Mathews v. Weber, 423 U.S. 261, 271 (1976)
- Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005)

## OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION Case No. 5:25-C V-00330-M TAUREAN SMALL, Plaintiff, V. ORDER FEDERAL TRADE COMMISSION, et al., Defendants. This matter comes before the court on the Memorandum and Recommendation (“M&R”) prepared by United States Magistrate Judge Robert T. Numbers, II. DE 9. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), Judge Numbers allowed Plaintiff to proceed without paying a filing fee but recommended that this court dismiss Plaintiff’s complaint for failing to state a viable claim.

DE 9. To date, no objections have been filed. A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the... recommendation[ ]... receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); accord *Mathews v. Weber*, 423 U.S. 261, 271 (1976).

The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” /d. § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear Judge Numbers issued the M&R on October 14, 2025.

Accordingly, objections were due on or before October 31, 2025. See 28 U.S.C. § 636(b)(1); FED. R. Civ. P. 72(b)(2); Local Civil Rule 72.4(b). The M&R was submitted to this court for disposition on November 14, 2025. error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir.

2005). Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Plaintiff’s complaint, DE 1, is DISMISSED.

The Clerk of Court is directed to close this case. SO ORDERED this \_!|% day of March, 2026.  
one (V\ya0s RICHARD E. MYERS II CHIEF UNITED STATES DISTRICT JUDGE