

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Edward Winchester, Jerod Peppers, and Adolph Lawrence v. Kim, Education Staff Member Kim; Dylan, Correctional Officer; Jillian Tanaka, Correctional Officer; Kim Fast, Correctional Officer; Hill, Correctional Officer; Roth, Sergeant; Northwest Regional Correctional Center, NWRCC; and Minnesota Department of Corrections, DOC

Winchester v. Kim · No. Civ. No. 26-651 (JWB/SGE) · Decided March 25, 2026

SUMMARY

The United States District Court for the District of Minnesota accepted a magistrate judge’s Report and Recommendation after no timely objections were filed. The court dismissed the case without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Jerry W. Blackwell
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	March 25, 2026
DOCKET	Civ. No. 26-651 (JWB/SGE)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation after no party filed timely objections.
STANDARD OF REVIEW	Clear-error review applies to a magistrate judge's Report and Recommendation when no timely objections are filed.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the magistrate judge's Report and Recommendation should be accepted when no timely objections were filed.
2. Whether the action should be dismissed without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b).

HOLDINGS

1. When no timely objections are filed to a magistrate judge's Report and Recommendation, the district court reviews the recommendation for clear error.
2. The action was properly dismissed without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

KEY QUOTATIONS

“Absent timely objections, the R&R is reviewed for clear error.”

FACTUAL BACKGROUND

The plaintiffs brought a federal prisoner civil-rights action against correctional and institutional defendants. The magistrate judge issued a Report and Recommendation, and the plaintiffs did not file timely objections. The district court found no clear error and dismissed the action without prejudice for failure to prosecute.

PROCEDURAL HISTORY

United States Magistrate Judge Shannon G. Elkins issued a Report and Recommendation on March 3, 2026. No objections were filed within the permitted time. District Judge Jerry W. Blackwell reviewed the R&R for clear error, found none, accepted it, and dismissed the case without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

DISPOSITION

dismissed

CASES CITED

- Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA Edward Winchester, Jerod Peppers, and Civ. No. 26-651 (JWB/SGE) Adolph Lawrence, Plaintiffs, v. Kim, Education Staff Member Kim; Dylan, Correctional Officer; Jillian ORDER ACCEPTING Tanaka, Correctional Officer; Kim Fast, REPORT AND RECOMMENDATION Correctional Officer; Hill, Correctional

OF MAGISTRATE JUDGE Officer; Roth, Sergeant; Northwest Regional Correctional Center, NWRCC; and Minnesota Department of Corrections, DOC, Defendants.

United States Magistrate Judge Shannon G. Elkins issued a Report and Recommendation (“R&R”) on March 3, 2026. (Doc. No. 6.) No objections to that R&R have been filed in the time permitted. Absent timely objections, the R&R is reviewed for clear error. See Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996).

Having reviewed the R&R, no clear error is found. Based on the R&R of the Magistrate Judge, and on all the files, records, and proceedings in this case, IT IS HEREBY ORDERED that: 1. The March 3, 2026 Report and Recommendation (Doc. No. 6) is ACCEPTED; and 2. This case is DISMISSED WITHOUT PREJUDICE under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

LET JUDGMENT BE ENTERED ACCORDINGLY. Date: March 25, 2026 s/ Jerry W. Blackwell
JERRY W. BLACKWELL United States District Judge