

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE, NASHVILLE DIVISION

Passion Ray v. Glenn Funk, et al.

Ray v. Funk · No. 3:24-cv-01250 · Decided March 23, 2026

SUMMARY

The United States District Court for the Middle District of Tennessee adopts a magistrate judge’s report and recommendation without objection. The court grants Glenn Funk’s motion to dismiss and dismisses without prejudice the plaintiff’s remaining claims against Funk and “The District Attorney’s Office” for lack of subject-matter jurisdiction or abandonment. The Clerk is directed to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee, Nashville Division
WRITING FOR THE COURT	Eli J. Richardson
JURISDICTION	United States District Court for the Middle District of Tennessee, Nashville Division
DECIDED	March 23, 2026
DOCKET	3:24-cv-01250
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought pro se federal civil-rights claims. The magistrate judge recommended granting Defendant Funk’s motion to dismiss and dismissing the remaining claims without prejudice. No objections were filed, and the district court adopted the report and recommendation.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 72(b)(3), a district judge reviews de novo the portions of a magistrate judge’s report and recommendation to which a proper objection is made. When no objection is filed, the district court is not required to conduct de novo or other independent review.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Passion Ray v. Glenn Funk, The District Attorney’s Office

TOPICS

motions to dismiss

subject matter jurisdiction

civil procedure

section 1983

constitutional law

PRACTICE AREAS

civil procedure

civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's report and recommendation when no party filed timely objections.
2. Whether Defendant Glenn Funk's motion to dismiss should be granted.
3. Whether Ray's remaining claims against Funk and The District Attorney's Office should be dismissed without prejudice for lack of subject-matter jurisdiction or because Ray had signaled her desire to abandon the action.

HOLDINGS

1. When no party files a proper objection to a report and recommendation on a dispositive pretrial matter, the district court is not required to conduct de novo or other independent review and may adopt the recommendation.
2. Defendant Funk's motion to dismiss is granted, and Ray's remaining claims against Funk and The District Attorney's Office are dismissed in their entirety without prejudice.

KEY QUOTATIONS

"The failure to object to a report and recommendation releases the Court from its duty to independently review the matter." (Doc. No. 41 at 1-2)

"Accordingly, the Motion to Dismiss (Doc. No. 31) is GRANTED, and Plaintiff's remaining claims, which are against Defendant Funk and "The District Attorney's Office," are dismissed in their entirety and without prejudice." (Disposition)

FACTUAL BACKGROUND

Ray, proceeding pro se, alleged that law-enforcement entities and officials retaliated against her after she provided purported whistleblower information concerning the failure to investigate or prosecute a criminal enterprise. Her complaint asserted claims under the First, Second, Fourth, Fifth, and Fourteenth Amendments and various federal statutes. She did not timely respond to the defendants' motions to dismiss, filed an amended complaint without leave, and later filed notices expressing grievances about her treatment by law enforcement and the courts.

PROCEDURAL HISTORY

Ray filed a handwritten complaint on October 18, 2024, alleging constitutional and federal statutory violations. Defendants moved to dismiss, and the case was referred to a magistrate judge under 28 U.S.C. § 636(b). After

Ray failed to respond to the motions and filed an amended complaint without leave, the magistrate judge issued a report and recommendation recommending dismissal. The district court found that no objections had been filed, adopted the report and recommendation, granted Funk's motion to dismiss, dismissed the remaining claims against Funk and The District Attorney's Office without prejudice, directed entry of judgment, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Ray v. Federal Bureau of Investigation, No. 3:23-cv-00994, 2023 WL 8722025 (M.D. Tenn. Dec. 18, 2023)
- Ray v. Federal Bureau of Investigation, No. 3:24-cv-01118, 2025 WL 2466567 (M.D. Tenn. Aug. 26, 2025)
- Frias v. Frias, No. 2:18-CV-00076, 2019 WL 549506, at *2 (M.D. Tenn. Feb. 12, 2019)
- Hart v. Bee Prop. Mgmt., Inc., No. 18-CV-11851, 2019 WL 1242372, at *1 (E.D. Mich. Mar. 18, 2019)
- Thomas v. Arn, 474 U.S. 140, 149-50 (1985)
- Ashraf v. Adventist Health Sys./Sunbelt, Inc., 322 F. Supp. 3d 879, 881 (W.D. Tenn. 2018)
- Benson v. Walden Sec., No. 3:18-CV-00010, 2018 WL 6322332, at *3 (M.D. Tenn. Dec. 4, 2018)

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