

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PRECEDENTIAL VALUE	unpublished district court order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)

OPINION

Ray

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT FOR THE

MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

PASSION RAY,)

) Plaintiff,)) NO. 3:24-cv-01250 v.)

) JUDGE RICHARDSON

GLENN FUNK, et al.,)) Defendants.))

ORDER

Pending before the Court¹ is the report and recommendation (Doc. No. 41, “R&R”) of the Magistrate Judge, which recommends that the Court grant the motion to dismiss (Doc. No. 31, “Motion to Dismiss”) filed by Defendant Glenn Funk (“Defendant Funk”).² (Doc. No. 41 at 5). Specifically, in the R&R, the Magistrate Judge recommends that the Motion to Dismiss be granted (id. at 5), and Plaintiff’s remaining claims, which are against Defendant Funk and “The District Attorney’s Office,” be dismissed without prejudice for lack of subject-matter jurisdiction (id. at 1) or because Plaintiff “has signaled her desire to abandon this action.” (Id. at 5). No objections to the R&R have been filed and the time for filing objections has now expired.³ 1 Herein, “the Court” refers to the undersigned District Judge, as opposed to the Magistrate Judge who authored the

R&R. 2 Plaintiff, Passion Ray, also brought claims against the Metropolitan Nashville Police Department (“MNPDP”) and “The District Attorney’s Office.” The Metropolitan Nashville Police Department was terminated as a defendant to this action pursuant to the Court’s order at Docket No. 40, which granted MNPDP’s motion to dismiss (Doc. No. 39). Plaintiff’s claims against “The District Attorney’s Office” remain pending. 3 Under Fed. R. Civ. P. 72(b), any party has fourteen (14) days from receipt of the R&R in which to file any written objections to the Recommendation with the District Court. For pro se plaintiffs, like Plaintiff, the Court is willing to extend this 14-day deadline by three days to allow time for filings to be transported. Absent any objection to the background and relevant facts (regarding the underlying circumstances and procedural history of this case) set forth by the Magistrate Judge in the R&R, the Court adopts that background and those relevant facts in their entirety and includes it here for reference. Plaintiff, acting pro se, filed a lengthy handwritten Complaint on October 18, 2024, alleging, liberally construed in light of her pro se status, violations of her rights under the First, Second, Fourth, Fifth, and Fourteenth Amendments to the U.S. Constitution, as well as law enforcement officers’ alleged violations of a number of federal statutes. (Doc. No. 1.) Plaintiff claims here and in other actions she has previously filed in this Court that she has been subjected to retaliation for approaching miscellaneous state law enforcement entities with whistleblower information related to those entities’ purported failure to investigate or prosecute a wide-ranging criminal enterprise. (Id.), See, e.g., *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). * * * MNPDP filed a Motion to Dismiss Plaintiff’s claims and supporting memorandum on January 6, 2025. (Doc. Nos. 8, 9.) Defendant Funk similarly moved to dismiss on January 27, 2025, (Doc. Nos. 16, 17), and the Court referred the case to the Magistrate Judge to dispose or recommend disposition of any pretrial motions under 28 U.S.C. §§ 636(b)(1)(A) and (B) (Doc. No. 18). Plaintiff failed to respond to either motion. However, on March 14, 2025, Plaintiff filed an amended complaint without leave of the Court. (Doc. No. 27.) Plaintiff also sought an Entry of Default as to Defendants. (Doc. No. 28.) Defendants opposed the Motion for Entry of Default (Doc. No. 29), and the Clerk of Court denied the motion on May 6, 2025 (Doc. No. 36). [Defendant] Funk and MNPDP both renewed their Motions to Dismiss. (Doc. Nos. 31, 32, 39.) Plaintiff failed to timely respond to MNPDP’s motion and the Court granted the motion as unopposed on October 24, 2025. (Doc. No. 40.) [Defendant] Funk’s Motion to Dismiss remains pending because, while Plaintiff did not submit a responsive memorandum in opposition to the motion, she did file three “notices” expressing grievances about the manner in which she has been treated by law enforcement and the courts. (Doc. Nos. 34, 35, 37.) Defendant’s Motion to Dismiss is now ripe. by mail. But even this extension does not help Plaintiff because the R&R was filed on March 2, 2026, and as of March 23, 2026, Plaintiff has not filed any objections. (Doc. No. 41 at 1-2). The Magistrate Judge concluded that the Motion to Dismiss should be granted (id. at 5) and Plaintiff’s remaining claims be dismissed without prejudice, based on either lack of subject-

matter jurisdiction (*id.* at 1) or because Plaintiff “has signaled her desire to abandon this action.” (*Id.* at 5). No party has filed objections to the R&R, and the time to file objections with the Court has passed, as explained in a footnote above. When a magistrate judge issues a report and recommendation regarding a dispositive pretrial matter, the district judge must review *de novo* any portion of the report and recommendation to which a proper objection is made. Fed. R. Civ. P. 72(b)(3). The district judge may accept, reject, or modify the recommended disposition, review further evidence, or return the matter to the magistrate judge with instructions. *Id.* Fed. R. Civ. P. 72(b)(2) provides that a party may file “specific written objections” to a report and recommendation, and Local Rule 72.02(a) provides that such objections must be written and must state with particularity the specific portions of the magistrate judge’s report or proposed findings or recommendations to which an objection is made. The failure to object to a report and recommendation releases the Court from its duty to independently review the matter. *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) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). A district judge is not required to review, under a *de novo* or any other standard, those aspects of a report and recommendation to which no objection is made. *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) (citing *Thomas*, 474 U.S. at 150). Absent objection, the R&R (Doc. No. 41) is adopted and approved. 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. The Clerk is DIRECTED to enter judgment pursuant to Fed. R. Civ. P. 58 and close the file. IT IS SO ORDERED. Chi Ruchersaon Che Ruck
UNITED STATES DISTRICT JUDGE