

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
NORTH CAROLINA

Sarah James v. Verizon Wireless

No. 5:25-CV-811, United States District Court for the Eastern District of North Carolina (March 26, 2026)

SUMMARY

The United States District Court for the Eastern District of North Carolina adopts a magistrate judge’s memorandum and recommendation after finding no clear error and no party having objected. The court dismisses Sarah James’s complaint against Verizon Wireless for failure to state a claim, grants her motion to proceed in forma pauperis, and grants leave to file a superseding amended complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of North Carolina
WRITING FOR THE COURT	James C. Dever III
JURISDICTION	United States District Court for the Eastern District of North Carolina
DECIDED	March 26, 2026
DOCKET	5:25-CV-811
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's memorandum and recommendation recommending dismissal of the complaint for failure to state a claim and denial as moot of the motion to proceed in forma pauperis. Neither party objected, and the district court conducted clear-error review.
STANDARD OF REVIEW	Clear-error review applies to a magistrate judge's memorandum and recommendation when no timely objection is made; de novo review is required for portions to which a specific objection is made.
PRECEDENTIAL VALUE	Unknown

TOPICS

- motions to dismiss
- motion to amend
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- federal courts

QUESTIONS PRESENTED

1. Whether the district court should review the unobjected-to memorandum and recommendation for clear error.
2. Whether the complaint should be dismissed for failure to state a claim.
3. Whether plaintiff should be granted leave to proceed in forma pauperis.
4. Whether plaintiff should be granted leave to file a superseding amended complaint.

HOLDINGS

1. When neither party timely objects to a magistrate judge's memorandum and recommendation, the district court reviews the recommendation for clear error rather than conducting de novo review.
2. The complaint was dismissed for failure to state a claim.
3. The plaintiff's request to proceed in forma pauperis was granted.
4. The plaintiff was granted leave to file a superseding amended complaint.

KEY QUOTATIONS

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” (at 315)

“Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”” (at 315)

“In “order to preserve for appeal an issue in a magistrate judge’s report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection.”” (at 245)

FACTUAL BACKGROUND

Sarah James filed a complaint against Verizon Wireless in federal district court and sought leave to proceed in forma pauperis. A magistrate judge recommended dismissal for failure to state a claim. Before the district court entered its order, James moved for leave to file a superseding amended complaint.

PROCEDURAL HISTORY

Plaintiff filed a complaint and a motion to proceed in forma pauperis on December 15, 2025. The matter was referred to Magistrate Judge Robert B. Jones, Jr., who recommended dismissal for failure to state a claim and denial as moot of the in forma pauperis motion. After no party objected, the district court found no clear error, adopted the recommendation, granted in forma pauperis status, dismissed the complaint, and granted leave to file a superseding amended complaint.

DISPOSITION

CASES CITED

- *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005)
- *Martin v. Duffy*, 858 F.3d 239, 245 (4th Cir. 2017)
- *United States v. Midgette*, 478 F.3d 616, 622 (4th Cir. 2007)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:25-CV-811 SARAH JAMES,) Plaintiff, v. ORDER VERIZON WIRELESS, Defendant.) On December 15, 2025, plaintiff filed a complaint against the defendant [D.E. 1] and a motion to proceed in forma pauperis [D.E. 2].

On December 18, 2025, the court referred the matter to United States Magistrate Judge Robert B. Jones, Jr. for a memorandum and recommendation [D.E. 5]. See 28 U.S.C. § 636(b)(1)(B). On January 22, 2026, Magistrate Judge Jones issued a memorandum and recommendation (“M&R”) [D.E. 6].

In the M&R, Magistrate Judge Jones recommended that the court dismiss plaintiff’s complaint for failure to state a claim and deny as moot her motion to proceed in forma pauperis. See *id.* at 4-5. “The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” *Diamond v. Colonial Life & Accident Ins.*

Co., 416 F.3d 310, 315 (4th Cir. 2005) (cleaned up); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond*, 416 F.3d at 315 (quotation omitted).

In “order to preserve for appeal an issue in a magistrate judge’s report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection.” *Martin v. Duffy*, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); see *United States v. Midgette*, 478 F.3d 616, 622 (4th Cir.

2007). Neither party objected to the M&R. Therefore, the court reviews for clear error. The court has reviewed the M&R and the record. There is no clear error on the face of the record. See *Diamond*, 416 F.3d at 315.

On January 28, 2026, plaintiff filed a motion for leave to file a superseding amended complaint [D.E. 7]. In sum, the court ADOPTS the conclusions in the M&R [D.E. 6], GRANTS plaintiff’s

request to proceed in forma pauperis [D.E. 2], DISMISSES plaintiff's complaint for failure to state a claim, and GRANTS plaintiff's motion for leave to file a superseding amended complaint [D.E.

7). SO ORDERED. This 4th day of March, 2026. 4 om Dever J S C. DEVER II United States District Judge