

**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)

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

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