

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
NORTH CAROLINA

Welch v. Sgt. Owens, et al.

Welch · No. 1:26-CV-383-DAB-JGM · Decided May 29, 2026

SUMMARY

The United States District Court for the Middle District of North Carolina adopts a magistrate judge’s recommendation and dismisses Robert Andrew Welch’s action without prejudice. The court finds that Welch failed to identify proper defendants or adequately allege their personal involvement, and that monetary damages against state officials in their official capacities are barred by the Eleventh Amendment.

CASE DETAILS

|                       |                                                                                                                                                                                                         |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of North Carolina                                                                                                                                  |
| WRITING FOR THE COURT | David A. Bragdon                                                                                                                                                                                        |
| JURISDICTION          | United States District Court for the Middle District of North Carolina                                                                                                                                  |
| DECIDED               | May 29, 2026                                                                                                                                                                                            |
| DOCKET                | 1:26-CV-383-DAB-JGM                                                                                                                                                                                     |
| DISPOSITION           | dismissed                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | The district court reviewed and adopted a magistrate judge's order and recommendation to dismiss Plaintiff's civil-rights action without prejudice. No objections were filed.                           |
| STANDARD OF REVIEW    | When no objections are filed to a magistrate judge's recommendation, the district court must satisfy itself that there is no clear error on the face of the record before accepting the recommendation. |
| PRECEDENTIAL VALUE    | Unpublished district court order; precedential status unknown.                                                                                                                                          |
| PARTIES               | Robert Andrew Welch v. Sgt. Owens, et al.                                                                                                                                                               |

TOPICS

- civil procedure
- section 1983
- eleventh amendment immunity
- pleadings
- government liability

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the magistrate judge's recommendation to dismiss the action without prejudice contained clear error when no objections were filed.
2. Whether the action was subject to dismissal because Plaintiff failed to identify proper defendants or adequately allege their personal involvement in the alleged constitutional violations.
3. Whether monetary damages sought against state officials sued in their official capacities were unavailable under the Eleventh Amendment.

## HOLDINGS

1. When no objections are filed, the district court may accept a magistrate judge's recommendation after satisfying itself that the recommendation contains no clear error on the face of the record; the court found no clear error here.
2. The action was properly dismissed without prejudice because Plaintiff failed to identify proper defendants or sufficiently allege their personal involvement in the alleged constitutional violations, and monetary damages against state officials sued in their official capacities were unavailable under the Eleventh Amendment.

## KEY QUOTATIONS

*“Because there are no objections, the Court “must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’””*

## FACTUAL BACKGROUND

Plaintiff brought a constitutional civil-rights action against Sgt. Owens and other defendants. The complaint allegedly failed to identify proper defendants and failed to sufficiently allege each defendant's personal involvement in the asserted constitutional violations. Plaintiff sought only monetary damages against state officials in their official capacities.

## PROCEDURAL HISTORY

The magistrate judge recommended dismissal because Plaintiff failed to identify proper defendants or adequately allege their personal involvement in the alleged constitutional violations, and because Plaintiff sought only monetary damages from state officials sued in their official capacities, relief barred by the Eleventh Amendment. The objection deadline passed without objections. The district court reviewed the recommendation for clear error, found none, adopted it, and dismissed the action without prejudice.

## DISPOSITION

dismissed

## CASES CITED

- *McBurney v. Cuccinelli*, 616 F.3d 393, 399 (4th Cir. 2010)
- *Diamond v. Colonial Life & Accident Insurance Co.*, 416 F.3d 310, 315 (4th Cir. 2005)

## OPINION

WELCH

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ROBERT ANDREW WELCH,

Plaintiff,

v. 1:26-CV-383-DAB-JGM

SGT. OWENS, ET AL.,

Defendants.

## ORDER

This matter is before the Court for review of the Order and Recommendation filed on May 5, 2026. 5/5/26 Order and Recommendation of United States Magistrate Judge (D.E. 3). The Magistrate Judge recommends dismissing Plaintiff's action without prejudice because: (1) Plaintiff fails to identify proper defendants or sufficiently allege each defendant's personal involvement in the alleged constitutional violations; and (2) Plaintiff seeks only monetary damages against state officials sued in their official capacities, relief that is unavailable under the Eleventh Amendment. *McBurney v. Cuccinelli*, 616 F.3d 393, 399 (4th Cir. 2010). The deadline for filing objections passed on May 22, 2026, and no parties has filed objections to the Recommendation. Because there are no objections, the Court "must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. Proc. 72 advisory committee's note). This Court has accordingly reviewed the Recommendation and concludes it contains no clear error. Accordingly, it is ordered that the Magistrate Judge's Recommendation, 5/5/26 Order and Recommendation, is adopted and this action is dismissed without prejudice. A Judgment dismissing this action will be entered contemporaneously with this Order. This the 29th day of May, 2026. /s/ David A. Bragdon United States District Judge