

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI

Vartause C. Penns v. Matt Haley, et al.

Penns · No. 1:24-cv-266-TBM-RPM · Decided January 9, 2026

SUMMARY

The United States District Court for the Southern District of Mississippi adopted a magistrate judge’s Report and Recommendation recommending dismissal of Vartause C. Penns’ complaint for failure to prosecute. The court found no clear error and dismissed the complaint without prejudice.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi
WRITING FOR THE COURT	Taylor B. McNeel
JURISDICTION	United States District Court for the Southern District of Mississippi
DECIDED	January 9, 2026
DOCKET	1:24-cv-266-TBM-RPM
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's Report and Recommendation recommending dismissal without prejudice for failure to prosecute.
STANDARD OF REVIEW	When no timely objection is filed to a magistrate judge's Report and Recommendation, the district court reviews the record for clear error before accepting the recommendation.
PRECEDENTIAL VALUE	Unknown

TOPICS

civil procedure

PRACTICE AREAS

civil procedureprisoner civil rights

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation when the plaintiff filed no timely objection.
2. Whether the Complaint should be dismissed without prejudice for failure to prosecute.

HOLDINGS

1. When no timely objection is filed, the district court need only determine whether the recommendation is clearly erroneous or contrary to law before accepting it.
2. The Complaint was properly dismissed without prejudice for failure to prosecute.

KEY QUOTATIONS

“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”

FACTUAL BACKGROUND

The case concerns a civil-rights complaint filed by Vartaurse C. Penns. The magistrate judge recommended dismissal without prejudice for failure to prosecute. A copy of the Report and Recommendation was mailed to Penns, but Penns did not file an objection within the applicable period.

PROCEDURAL HISTORY

Magistrate Judge Robert P. Myers issued a Report and Recommendation on December 11, 2025, recommending dismissal of Penns's Complaint without prejudice for failure to prosecute. Penns did not timely object. The district court found no clear error or legal error, adopted the Report and Recommendation as its opinion, and dismissed the Complaint without prejudice.

DISPOSITION

dismissed

CASES CITED

- Casas v. Aduddell, 404 F. App'x 879, 881 (5th Cir. 2010)
- Douglass v. United Services Automobile Ass'n, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc)

OPINION

Penns

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

SOUTHERN DIVISION

VARTAURSE C. PENNS PLAINTIFF

v. CIVIL ACTION NO. 1:24-cv-266-TBM-RPM

MATT HALEY, et al. DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the submission of the Report and Recommendation [26] entered by United States Magistrate Judge Robert P. Myers on December 11, 2025. Judge Myers recommends that Plaintiff Vartause C. Penns' Complaint be dismissed without prejudice for failure to prosecute. Penns has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.' "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) advisory committee's note to 1983 addition (citations omitted); see *Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) ("When a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error") (citing *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1428-29 (Sth Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1)). Having considered Judge Myers' Report and Recommendation, the Court finds that it is neither clearly erroneous nor contrary to law. ' A copy of the Report and Recommendation [26] was mailed to Penns at the address listed on the docket on December 11, 2025. IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [26] entered by United States Magistrate Robert P. Myers on December 11, 2025, is ADOPTED as the opinion of the Court. IT IS FURTHER ORDERED AND ADJUDGED that Vartause C. Penns' Complaint [1] is DISMISSED WITHOUT PREJUDICE. THIS, the 9th day of January, 2026. ee

TAYLOR B: McN

UNITED STATES DISTRICT JUDGE