

**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.

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI SOUTHERN DIVISION VARTAUSE 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

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