

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI

Vartaourse 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 Vartaourse 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 Vartause 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)