

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Kayla Thompson v. D4C Dental Brands, Inc.

Thompson · No. No. 25-CV-61167-CIV-DAMIAN/STRAUSS · Decided April 3, 2026

SUMMARY

The United States District Court for the Southern District of Florida affirmed and adopted a magistrate judge’s Report and Recommendation recommending dismissal of Kayla Thompson’s employment discrimination action. The court dismissed the complaint without prejudice for failure to comply with orders requiring Thompson to retain counsel or indicate that she would proceed pro se, and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	April 3, 2026
DOCKET	No. 25-CV-61167-CIV-DAMIAN/STRAUSS
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal for failure to prosecute after Plaintiff repeatedly failed to comply with orders requiring her either to retain counsel or notify the court that she would proceed without counsel.
STANDARD OF REVIEW	When no timely objection is filed to a magistrate judge's disposition, the district court reviews the record for clear error rather than conducting de novo review.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Kayla Thompson v. D4C Dental Brands, Inc.

TOPICS

- civil procedure
- employment discrimination

PRACTICE AREAS

QUESTIONS PRESENTED

1. What standard of review applies when a party files no timely objection to a magistrate judge's Report and Recommendation?
2. Whether Plaintiff's repeated failure to comply with court orders warranted dismissal of the complaint without prejudice for failure to prosecute.

HOLDINGS

1. When no party timely objects to a magistrate judge's disposition, the district court need only determine whether clear error appears on the face of the record.
2. Dismissal without prejudice was warranted because Plaintiff repeatedly failed to comply with orders requiring her to retain counsel or notify the court that she would proceed without counsel after receiving multiple warnings that noncompliance could result in dismissal.

KEY QUOTATIONS

“the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (Order text)

“The Complaint in this case [ECF No. 1] is DISMISSED WITHOUT PREJUDICE.” (Order paragraph 2)

FACTUAL BACKGROUND

Plaintiff's attorney withdrew from this employment discrimination case after the withdrawal motion was granted. Plaintiff was repeatedly ordered to retain new counsel or file a notice stating that she intended to proceed without counsel, and each order warned that failure to comply could lead to dismissal for failure to prosecute. Plaintiff did not comply with any of the orders and did not object to the magistrate judge's Report and Recommendation.

PROCEDURAL HISTORY

Plaintiff filed an employment discrimination complaint on June 10, 2025. After Plaintiff's attorney withdrew, Magistrate Judges Alicia Valle and Jared Strauss issued successive orders requiring Plaintiff to retain new counsel or elect to proceed pro se, warning that noncompliance could result in dismissal for failure to prosecute. Plaintiff failed to comply with each order and filed no objections to Magistrate Judge Strauss's Report and Recommendation. The district court found no clear error, adopted the Report and Recommendation, dismissed the complaint without prejudice, closed the case, and denied pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 150 (1985)
- Lewis v. Smith, 855 F.2d 736, 738 (11th Cir. 1988)
- Nettles v. Wainwright, 677 F.2d 404, 410 (5th Cir. 1982)

OPINION

SUONUITTEHDE RSNTA DTIESTS RDIICSTT ROIFC TFL COORUIDRTA CASE NO. 25-CV-61167-CIV-DAMIAN/STRAUSS KAYLA THOMPSON, Plaintiff, v. D4C DENTAL BRANDS, INC., Defendant. _____/ ORDER AFFIRMING AND ADOPTING REPORT AND RECOMMENDATION THIS CAUSE is before the Court on Magistrate Judge Jared Strauss’s Report and Recommendation to the District Judge (“Report”) [ECF No. 27], entered on March 12, 2026.

THE COURT has considered the Report, the pertinent portions of the record, and relevant authorities and is otherwise fully advised. Plaintiff filed this employment discrimination case on June 10, 2025. [ECF No. 1]. On January 26, 2026, Plaintiff’s attorney filed an Unopposed Motion to Withdraw. [ECF No. 18].

The following day, U.S. Magistrate Judge Alicia Valle entered a paperless order granting the motion to withdraw as counsel for Plaintiff and ordered Plaintiff to either retain counsel (who would have to file a notice of appearance) or file a notice indicating that she intended to proceed without counsel by February 10, 2026. [ECF No. 19].

After Plaintiff failed to timely comply with the Magistrate Judge’s January 27, 2026 Order, on February 17, 2026, Magistrate Judge Strauss entered an order giving Plaintiff until February 24, 2026, to comply with Judge Valle’s initial order. [ECF No. 24]. Both Judge Valle’s January 27 Order and Judge Strauss’s February 17 Order warned Plaintiff that “failure to comply may result in a recommendation to the District Judge that the case be dismissed for lack of prosecution.” [ECF No. 24 at 2].

Judge Valle and Judge Strauss also assured that their orders were served on Plaintiff. Plaintiff again failed to comply with Judge Strauss’s order, following which, on February 27, 2026, Judge Strauss issued yet another order directing Plaintiff to “comply with the Court’s prior order [DE 19] by (1) retaining new counsel (who must file a notice of appearance) or (2) filing a notice that Plaintiff intends to proceed without counsel.” [ECF No. 26].

The February 27 Order warned that failure to comply “[would] result in a recommendation to [this Court] that this case be dismissed for failure to prosecute.” *Id.* at 2. The deadline to respond to the February 27 Order was March 9, 2026. *Id.* at 1-2. Plaintiff again failed to comply.

On March 12, 2026, Magistrate Judge Strauss issued the Report recommending that this case be dismissed based on Plaintiff’s failure to comply with the Court’s Orders. [ECF No. 27]. The

Report advised Plaintiff that she had fourteen days from receipt of a copy of the Report to file written objections. See *id.* at 4.

To date, no objections have been filed and the time to do so has passed. When a magistrate judge's "disposition" has properly been objected to, district courts must review the disposition *de novo*. Fed. R. Civ. P. 72(b)(3). When no party has timely objected, however, "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 advisory committee's notes (citation omitted). Although Rule 72 itself is silent on the standard of review, the Supreme Court has acknowledged Congress's intent was to only require a *de novo* review where objections have been properly filed, not when neither party objects. See *Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate [judge]'s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.").

In any event, the "[f]ailure to object to the magistrate [judge]'s factual findings after notice precludes a later attack on these findings." *Lewis v. Smith*, 855 F.2d 736, 738 (11th Cir. 1988) (citing *Nettles v. Wainwright*, 677 F.2d 404, 410 (5th Cir. 1982)).

The undersigned has reviewed the Report, the record, and the applicable law to assure herself that no clear error appears on the face of the record. In light of that review, the undersigned agrees with Judge Strauss's well-reasoned findings and thorough analyses and conclusions and agrees with Judge Strauss's recommendation that Plaintiff's Complaint be dismissed without prejudice.

Accordingly, for the reasons set forth, it is hereby ORDERED AND ADJUDGED as follows: 1. The Report and Recommendation [ECF No. 27] is AFFIRMED AND ADOPTED and INCORPORATED BY REFERENCE into this Order for all purposes, including appellate review. 2.

The Complaint in this case [ECF No. 1] is DISMISSED WITHOUT PREJUDICE. 3. The Clerk of the Court is directed to CLOSE this case, and all pending motions are DENIED AS MOOT. DONE AND ORDERED in Chambers at Fort Lauderdale, Florida, this 3rd day of April, 2026. UNITED STATES DISTRICT JUDGE cc: Magistrate Judge Jared Strauss Kayla Thompson, pro se 6754 Sienna Club Drive Lauderhill, FL 33319