

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PRECEDENTIAL VALUE	nonprecedential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)

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