

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, NORTHERN DIVISION

Kimberly Monique Christian v. Captain Stephanie Horn

Civil Action No. 3:25-CV-357-KHJ-MTP · No. 3:25-CV-357-KHJ-MTP · Decided May 18, 2026

SUMMARY

The United States District Court for the Southern District of Mississippi adopted a magistrate judge’s Report and Recommendations and dismissed Kimberly Monique Christian’s case without prejudice. The dismissal was based on the absence of an operative complaint and Christian’s failure to comply with court orders after being given multiple opportunities to amend.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Northern Division
JURISDICTION	United States District Court for the Southern District of Mississippi, Northern Division
DECIDED	May 18, 2026
DOCKET	3:25-CV-357-KHJ-MTP
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's report and recommendation recommending dismissal without prejudice.
STANDARD OF REVIEW	When no party timely objects to a magistrate judge's report and recommendation, the district court reviews it under the clearly erroneous, abuse of discretion, and contrary to law standard rather than conducting de novo review.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Kimberly Monique Christian v. Captain Stephanie Horn

TOPICS

- subject matter jurisdiction
- motions to dismiss
- motion to amend
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- federal civil rights

QUESTIONS PRESENTED

1. Whether the magistrate judge's report and recommendation should be reviewed de novo when no party filed timely objections.
2. Whether dismissal without prejudice was warranted because Christian failed to maintain an operative complaint and failed to comply with court orders.

HOLDINGS

1. When no party timely objects to a magistrate judge's report and recommendation, the district court applies the clearly erroneous, abuse of discretion, and contrary to law standard rather than conducting de novo review.
2. Dismissal without prejudice was proper because Christian failed to properly file an operative complaint after being given multiple opportunities to amend and failed to comply with the court's filing instructions.

KEY QUOTATIONS

“Finding the [75] Report neither clearly erroneous, contrary to law, nor an abuse of discretion, the Court adopts the [75] Report and dismisses this case without prejudice.” (Order)

“Though the Court has given Christian ample opportunities to amend her complaint, she failed to properly do so.” (Order)

FACTUAL BACKGROUND

Christian's first amended complaint was followed by an order granting a motion to dismiss for lack of subject-matter jurisdiction but allowing her an opportunity to amend. Although the court granted leave to amend and directed her to file an approved proposed amended complaint, Christian twice docketed unapproved amended complaints. The court struck both filings, leaving no operative complaint since January 5, 2026.

PROCEDURAL HISTORY

Christian filed suit in May 2025 and amended her complaint in July 2025. After granting Horn's motion to dismiss for lack of subject-matter jurisdiction, the court allowed Christian to amend. Christian filed multiple motions for leave to amend, and the court granted one but required her to file the approved proposed amended complaint as a separate docket entry. Christian twice filed unapproved amended complaints, which the court struck. The magistrate judge recommended dismissal without prejudice because the case lacked an operative complaint and Christian failed to comply with court orders; no party filed objections.

DISPOSITION

dismissed

CASES CITED

- 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam)

OPINION

Christian

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF MISSISSIPPI

NORTHERN DIVISION

KIMBERLY MONIQUE CHRISTIAN PLAINTIFF

V. CIVIL ACTION NO. 3:25-CV-357-KHJ-MTP

CAPTAIN STEPHANIE HORN DEFENDANT

ORDER

Before the Court is Magistrate Judge Michael T. Parker's [75] Report and Recommendations. For the reasons below, the Court adopts the [75] Report and dismisses this case without prejudice. Pro se Plaintiff Kimberly Monique Christian ("Christian") initiated this suit in May 2025. Compl. [1]. She amended her complaint in July 2025. First Am. Compl. [13]. Then, Defendant Stephanie Horn moved to dismiss for lack of subject-matter jurisdiction. Mot. to Dismiss [16] at 1. The Court granted the [16] Motion but allowed Christian 14 days to amend her complaint. Order [33]. Christian filed multiple motions for leave to amend. [34, 53, 60] Mots. for Leave to Amend. The Court eventually granted the [53] Motion for Leave to Amend and instructed Christian to file the [53-1] Proposed Amended Complaint as a separate entry on the docket by April 10, 2026. Order [66] at 4–5. She attempted to do so twice. Am. Compls. [67, 69]. But both times, she docketed an amended complaint that had not been approved. So the Court struck both attempted amended complaints.¹ Orders [68, 74]. The [75] Report points out that this case has not had an operative complaint since January 5, 2026. [75] at 4. Though the Court has given Christian ample opportunities to amend her complaint, she failed to properly do so. Thus, the [75] Report recommends dismissing this case without prejudice for lack of an operative complaint and failure to comply with court orders. [75] 4–5. Written objections to the [75] Report were due by May 15, 2026. at 5. The [75] Report notified the parties that failure to file written objections by that date would bar further appeal in accordance with 28 U.S.C. § 636. No party objected to the [75] Report, and the time to do so has passed. The Court must review *de novo* a magistrate judge's report only when a party objects to the report within 14 days after being served with a copy. 28 U.S.C. § 636(b)(1). When no party timely objects to the report, the Court applies "the 'clearly erroneous, abuse of discretion and contrary to law' standard of review." , 864 F.2d 1219, 1221 (5th Cir. 1989) (*per curiam*). Finding the [75] Report neither clearly erroneous, contrary to law, nor an abuse of discretion, the Court adopts the [75] Report and dismisses this case without prejudice. In doing so, the Court has considered all arguments raised. ¹ Both attempted amended complaints added several defendants, and the CM/ECF case caption currently lists these defendants. [67, 69]. But because the Court struck the attempted amended complaints, Christian never properly added those defendants. Per the operative complaint—the [13] First Amended Complaint—Horn is the

only defendant in this case. Those arguments not addressed would not have altered the Court's decision. The Court will enter a separate final judgment consistent with this Order. SO ORDERED, this 18th day of May, 2026. s/
UNITED STATES DISTRICT JUDGE

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