

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, TYLER DIVISION

Darwin Fisher v. Taylor Williams

No. 6:25-cv-369-JDK-JDL (E.D. Tex. Feb. 27, 2026) · No. 6:25-cv-369-JDK-JDL · Decided February 27, 2026

SUMMARY

The United States District Court for the Eastern District of Texas adopts the magistrate judge’s report and recommendation in Darwin Fisher’s prisoner civil-rights action under 42 U.S.C. § 1983. The court dismisses the case without prejudice for failure to prosecute after Fisher failed to pay the filing fee, amend his complaint, or object to the recommendation, and denies pending motions as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Tyler Division
WRITING FOR THE COURT	Jeremy D. Kernodle
JURISDICTION	United States District Court for the Eastern District of Texas, Tyler Division
DECIDED	February 27, 2026
DOCKET	6:25-cv-369-JDK-JDL
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's report and recommendation recommending dismissal of a prisoner's § 1983 action for failure to prosecute.
STANDARD OF REVIEW	When no timely objections are filed to a magistrate judge's report and recommendation, the district court reviews factual findings for clear error or abuse of discretion and legal conclusions to determine whether they are contrary to law. De novo review applies when a party timely objects.
PRECEDENTIAL VALUE	unreported district-court order; precedential status not specified
PARTIES	Darwin Fisher v. Taylor Williams

TOPICS

- civil procedure
- section 1983
- prisoners rights
- pleadings

PRACTICE AREAS

Civil procedure

Prisoner civil rights

Federal courts

QUESTIONS PRESENTED

1. What standard of review applies when a party does not timely object to a magistrate judge's report and recommendation?
2. Whether the magistrate judge's recommendation to dismiss the action for failure to prosecute should be adopted.
3. Whether pending motions should be denied as moot following dismissal.

HOLDINGS

1. When no timely objections are filed, the district court reviews the magistrate judge's factual findings for clear error or abuse of discretion and reviews legal conclusions to determine whether they are contrary to law, rather than conducting de novo review.
2. The action should be dismissed without prejudice for failure to prosecute because Plaintiff failed to comply with the court's filing-fee and complaint-amendment orders and did not object to the magistrate judge's recommendation.
3. Pending motions are denied as moot after dismissal of the action.

KEY QUOTATIONS

"The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law." (Order adopting report and recommendation)

"It is therefore ORDERED that this case is DISMISSED without prejudice for failure to prosecute." (Order adopting report and recommendation)

FACTUAL BACKGROUND

Darwin Fisher, a Texas Department of Criminal Justice prisoner proceeding pro se, filed a § 1983 action alleging prison civil-rights violations but did not pay the filing fee. He also failed to comply with an order requiring him to amend his complaint to cure identified deficiencies. After the magistrate judge recommended dismissal, Fisher did not file objections within the prescribed period.

PROCEDURAL HISTORY

Plaintiff filed a pro se prisoner civil-rights action under 42 U.S.C. § 1983 without paying the filing fee. The case was referred to Magistrate Judge John D. Love, who recommended dismissal after Plaintiff failed to comply with orders requiring payment of the filing fee and amendment of the complaint. Plaintiff did not object to the report and recommendation within fourteen days. The district court adopted the recommendation and dismissed the case without prejudice for failure to prosecute, denying pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc)
- *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989)
- *United States v. Wilson*, 492 U.S. 918 (1989) (cert. denied)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION DARWIN FISHER, #00616375, § § Plaintiff, § § v. § Case No. 6:25-cv-369-JDK-JDL § TAYLOR WILLIAMS, § § Defendant. § ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE Plaintiff Darwin Fisher, a prisoner of the Texas Department of Criminal Justice proceeding pro se, filed this lawsuit pursuant to 42 U.S.C. § 1983 for alleged violations of his civil rights in prison but did not pay the filing fee.

The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the case. On January 14, 2026, Judge Love issued a Report recommending that Plaintiff's lawsuit be dismissed for failure to prosecute because Plaintiff had failed to comply with the Court's order to satisfy the filing fee requirement and to amend the complaint to cure identified deficiencies.

Docket No. 6. A copy of this Report was mailed to Plaintiff, who did not file objections within the prescribed period. This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of the Report and Recommendation. 28 U.S.C. § 636(b)(1).

In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Assn*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), cert. denied, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby ADOPTS the Report and Recommendation of the United States Magistrate Judge (Docket No. 6) as the findings of this Court. It is therefore ORDERED that this case is DISMISSED without prejudice for failure to prosecute.

All pending motions are DENIED as MOOT. So ORDERED and SIGNED this 27th day of February, 2026. JHREMYD. KERN DLE UNITED STATES DISTRICT JUDGE