

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Otis Mays v. Bernard Holmes, et al.

Mays · No. No. 25-cv-3113 (KMM/DTS) · Decided December 30, 2025

SUMMARY

The United States District Court for the District of Minnesota adopted a magistrate judge's Report and Recommendation recommending dismissal for failure to prosecute. The case was dismissed without prejudice under Federal Rule of Civil Procedure 41(b) because the plaintiff did not object and failed to prosecute the matter.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Katherine M. Menendez
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	December 30, 2025
DOCKET	No. 25-cv-3113 (KMM/DTS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal for failure to prosecute. Because the plaintiff filed no objections, the district court reviewed the recommendation for clear error.
STANDARD OF REVIEW	Clear-error review of an unobjected-to Report and Recommendation under Federal Rule of Civil Procedure 72(b).
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Otis Mays v. Bernard Holmes, et al.

TOPICS

- civil procedure
- sanctions

PRACTICE AREAS

- civil procedure
- federal civil litigation

QUESTIONS PRESENTED

1. Whether the district court should adopt an unobjected-to Report and Recommendation recommending dismissal for failure to prosecute.
2. Whether dismissal without prejudice was appropriate under Federal Rule of Civil Procedure 41(b).

HOLDINGS

1. When a party does not object to a magistrate judge's Report and Recommendation, the district court reviews the recommendation for clear error and may adopt it if no clear error is found.
2. The action may be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

KEY QUOTATIONS

“This matter is *DISMISSED WITHOUT PREJUDICE* under Fed. R. Civ. P. 41(b) for failure to prosecute.”

FACTUAL BACKGROUND

The action was pending in the United States District Court for the District of Minnesota. The magistrate judge recommended dismissal because Plaintiff Otis Mays failed to prosecute the matter. Mays did not object to the Report and Recommendation.

PROCEDURAL HISTORY

Magistrate Judge David T. Schultz issued a September 3, 2025 Report and Recommendation recommending dismissal. Plaintiff Otis Mays did not object. The district court found no clear error, adopted the recommendation, and dismissed the action without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

DISPOSITION

dismissed

CASES CITED

- Nur v. Olmsted County, 563 F. Supp. 3d 946, 949 (D. Minn. 2021)
- Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)

OPINION

Mays

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

Otis Mays, No. 25-cv-3113 (KMM/DTS) Plaintiff, v. ORDER Bernard Holmes, et al., Defendants.
In a Report and Recommendation (“R&R”) dated September 3, 2025, United States Magistrate

Judge David T. Schultz recommends that this matter be dismissed for failure to prosecute. Plaintiff Otis Mays did not object to this recommended disposition, so the Court has reviewed the matter for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). The Court finds no error and adopts the R&R. Accordingly, IT IS HEREBY ORDERED that:

1. The R&R (Dkt. 4) is ACCEPTED.

2. This matter is DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P.

41(b) for failure to prosecute. Let Judgment Be Entered Accordingly. Date: December 30, 2025 s/
Katherine M. Menendez Katherine M. Menendez United States District Judge