

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN

Antonio Lynn Fluker, Jr. v. Gary Carr

Fluker v. Carr · No. 2:22-cv-11992 · Decided January 20, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan overruled Antonio Lynn Fluker, Jr.'s objections to a magistrate judge's report and recommendation. The court denied Fluker's motion for default judgment and dismissed his Right to Financial Privacy Act claim against Gary Carr, concluding that Fluker failed to adequately establish causally related damages or entitlement to punitive damages or attorney's fees. The court also rejected Fluker's allegation that the magistrate judge was biased.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan
WRITING FOR THE COURT	Laurie J. Michelson
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	January 20, 2026
DOCKET	2:22-cv-11992
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's report and recommendation recommending denial of default judgment and sua sponte dismissal of his Right to Financial Privacy Act claim. The district court treated the objections as timely under the prison mailbox rule, reviewed them, overruled them, adopted the report and recommendation, denied default judgment, and dismissed the claim.
STANDARD OF REVIEW	The district judge reviews the issues specifically raised in objections to a magistrate judge's report and recommendation de novo and need not review unobjected-to issues. Frivolous, conclusory, or general objections do not require de novo review.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation, and the source metadata identifies precedential status as unknown.
PARTIES	Antonio Lynn Fluker, Jr. v. Gary Carr

TOPICS

default judgment default damages civil procedure commercial litigation

PRACTICE AREAS

civil procedure default judgment damages financial privacy

QUESTIONS PRESENTED

1. Whether Fluker's objections to the magistrate judge's report and recommendation were timely under the prison mailbox rule.
2. Whether the magistrate judge was biased or should be reassigned based solely on her judicial rulings.
3. Whether Fluker established causation and the amount of damages necessary to obtain default judgment on his RFPA claim.
4. Whether the RFPA claim should be dismissed after Fluker failed to substantiate damages and entitlement to punitive damages or attorney's fees.

HOLDINGS

1. A prisoner's objections are considered filed when delivered to prison authorities for mailing; Fluker's objections were therefore timely despite arriving after the district court had initially adopted the report and recommendation.
2. A district judge reviews de novo the issues specifically raised by objections to a magistrate judge's report and recommendation, but need not review issues that were not properly objected to.
3. A claim of judicial bias based solely on adverse judicial rulings does not warrant reassignment or recusal absent facts showing an extreme inability to render fair judgment.
4. A plaintiff seeking default judgment under the RFPA bears the burden of establishing the extent and causation of actual damages; merely stating a damages amount without explaining how the alleged disclosure caused the loss is insufficient.
5. Default judgment was properly denied and the RFPA claim was properly dismissed because Fluker failed to establish causally connected damages; he also failed to allege facts supporting punitive damages, and a pro se litigant cannot recover attorney's fees.

KEY QUOTATIONS

"When a party objects to a magistrate judge's report and recommendation, a district judge reviews the issues raised by the objections de novo; there is no obligation to review un-objected to issues." (PageID.230)

"judicial rulings alone almost never constitute a valid basis for a bias or partiality motion." (PageID.236)

"It is Fluker's responsibility to 'establish the extent of his damages,' and he may not 'fault the magistrate for not looking beyond the record that [Fluker] had created.'" (PageID.237)

FACTUAL BACKGROUND

Fluker alleged that Gary Carr, a Fifth Third Bank vice president for financial crimes, improperly disclosed Fluker's bank records to a United States Secret Service agent in violation of the Right to Financial Privacy Act. Fluker sought \$100 million in damages and later described his claimed actual damages as \$3.5 million, but did not explain how the disclosure caused that loss. He also did not allege facts showing that the disclosure was willful, intentional, or patently unlawful, and he proceeded pro se.

PROCEDURAL HISTORY

Fluker filed a pro se RFPa action alleging that Carr improperly disclosed his bank records to a Secret Service agent. After Carr failed to timely respond, the clerk entered default, but denied Fluker's request for \$100 million in damages. Fluker moved for default judgment, and Magistrate Judge Elizabeth A. Stafford recommended denying that motion and dismissing the RFPa claim because Fluker failed to establish causation or the amount of damages and did not adequately allege entitlement to punitive damages or attorney's fees. The district court initially adopted the recommendation without receiving objections, then struck that order after determining that Fluker's objections had been timely delivered to prison authorities, considered the objections de novo, overruled them, adopted the recommendation, denied default judgment, and dismissed the claim.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 150 (1985)
- Garrison v. Equifax Info. Servs., LLC, No. 10-13990, 2012 WL 1278044, at *8 (E.D. Mich. Apr. 16, 2012)
- Mira v. Marshall, 806 F.2d 636, 637 (6th Cir. 1986)
- Howard v. Secretary of Health & Human Services, 932 F.2d 505, 509 (6th Cir. 1991)
- Jaiyeola v. Dorwin, No. 22-1424, 2022 WL 16835730, at *2 (6th Cir. Oct. 5, 2022)
- Liteky v. United States, 510 U.S. 540, 551, 555 (1994)
- Minyard v. Burrell, No. 09-00090, 2011 WL 5180158, at *1 (W.D. Mich. Nov. 1, 2011)