

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE, NASHVILLE DIVISION

Pankaj J. Patel v. Kristi Noem, Secretary DHS, et al.

Patel · No. 3:25-cv-01374 · Decided May 27, 2026

SUMMARY

The United States District Court for the Middle District of Tennessee adopted the Magistrate Judge’s Report and Recommendation and dismissed Pankaj J. Patel’s action without prejudice. The dismissal was based on Patel’s failure to timely serve the defendants and failure to respond to the Court’s show cause order, pursuant to Federal Rule of Civil Procedure 4(m).

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee, Nashville Division
WRITING FOR THE COURT	Waverly D. Crenshaw Jr.
JURISDICTION	United States District Court for the Middle District of Tennessee, Nashville Division
DECIDED	May 27, 2026
DOCKET	3:25-cv-01374
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's Report and Recommendation recommending dismissal without prejudice for failure to timely serve the defendants and failure to respond to a show cause order.
STANDARD OF REVIEW	When no timely objection is made to a magistrate judge's report and recommendation, the district court need only satisfy itself that there is no clear error on the face of the record.
PRECEDENTIAL VALUE	unpublished
PARTIES	Pankaj J. Patel v. Kristi Noem, Secretary DHS, et al.

TOPICS

- service of process
- mandamus immigration
- immigration
- civil procedure

PRACTICE AREAS

civil procedure

immigration

QUESTIONS PRESENTED

1. Whether the district court should review the unobjected-to Report and Recommendation for clear error rather than de novo.
2. Whether dismissal without prejudice was warranted under Federal Rule of Civil Procedure 4(m) because Patel failed to timely serve the defendants and failed to respond to the show cause order.

HOLDINGS

1. When no timely objection is filed to a Report and Recommendation, the district court need only determine whether the record contains clear error before accepting the recommendation.
2. Dismissal without prejudice was the proper remedy because Patel failed to timely serve the defendants and failed to respond to the Court's show cause order.

KEY QUOTATIONS

“Where there are no “timely objection[s]” to the R&R, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.””

“The Court agrees with the Magistrate Judge that dismissal without prejudice is the proper remedy under Federal Rule of Civil Procedure 4(m) for Patel’s failure to timely serve Defendants and respond to the show cause order.”

FACTUAL BACKGROUND

Patel failed to timely serve the defendants. He also failed to respond to the Court's show cause order requesting the status of service. Neither party filed objections to the Magistrate Judge's recommendation that the action be dismissed without prejudice.

PROCEDURAL HISTORY

The Magistrate Judge issued an R&R on May 7, 2026, recommending dismissal without prejudice. The R&R found that Patel failed to effect timely service of process and did not respond to the Court's show cause order concerning service. No party filed timely objections, and the district court reviewed the R&R for clear error, approved and adopted it, and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Ashraf v. Adventist Health Sys./Sunbelt, Inc., 322 F. Supp. 3d 879, 881 (W.D. Tenn. 2018)

- Thomas v. Arn, 474 U.S. 140, 150 (1985)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE
DIVISION PANKAJ J. PATEL,)) Plaintiff,)) v.) No. 3:25-cv-01374) KRISTI NOEM,
SECRETARY DHS, et) al.,)) Defendants.) ORDER On May 7, 2026, the Magistrate Judge
issued a Report and Recommendation (“R&R”) (Doc. No. 9) recommending that the Court
dismiss this action without prejudice.

The Magistrate Judge reports that Pankaj Patel has failed to effect timely service of process and did not respond to the Court’s show cause order requesting the status of service on Defendants. (Doc. No. 9 at 1– 2).

The Magistrate Judge informed the parties that any objections to the R&R must be filed within fourteen (14) days of service. (Doc. No. 23 at 17–18); see also Fed. R. Civ. P. 6(d) (providing that where service is by mail, the objecting party has seventeen days to file timely objections to an R&R).

The deadline has passed and neither party has filed any objections. Where there are no “timely objection[s]” to the R&R, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72 advisory committee’s note to 1983 amendment (citations omitted); see also *Ashraf v. Adventist Health Sys./Sunbelt, Inc.*, 322 F. Supp. 3d 879, 881 (W.D.

Tenn. 2018) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985)) (“The district court is not required to review—under a *de novo* or any other standard—those aspects of the report and recommendation to which no objection is made.”).

The Court has reviewed the R&R and finds no clear error. The Court agrees with the Magistrate Judge that dismissal without prejudice is the proper remedy under Federal Rule of Civil Procedure 4(m) for Patel’s failure to timely serve Defendants and respond to the show cause order.

Therefore, the R&R (Doc. No. 9) is APPROVED AND ADOPTED and this action is DISMISSED WITHOUT PREJUDICE. The Clerk shall close the file. IT IS SO ORDERED. WAVERLY D. AS. Ci JR.; UNITED STATES DISTRICT JUDGE