

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

Jeremy Lamond Henderson v. Ashlie Shanley, et al.

Henderson v. Shanley · No. 1:24-CV-308-DAB-JLW · Decided February 12, 2026

SUMMARY

The United States District Court for the Middle District of North Carolina adopted a magistrate judge’s recommendation after finding no clear error and noting that no objections were filed. The court denied the plaintiff’s motion to compel service and request for removal, granted the defendant’s motion to dismiss, and dismissed the action without prejudice.

CASE DETAILS

COURT	United States District Court for the Middle District of North Carolina
WRITING FOR THE COURT	David A. Bragdon
JURISDICTION	United States District Court for the Middle District of North Carolina
DECIDED	February 12, 2026
DOCKET	1:24-CV-308-DAB-JLW
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's order and recommendation after the deadline for objections expired without objections. The recommendation addressed Plaintiff's motion to compel service, request for removal, and Defendant's motion to dismiss.
STANDARD OF REVIEW	When no objections are filed to a magistrate judge's recommendation, the district court must satisfy itself that there is no clear error on the face of the record before accepting the recommendation.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jeremy Lamond Henderson v. Ashlie Shanley, et al.

TOPICS

- motions to dismiss
- service of process
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the magistrate judge's order and recommendation contained clear error on the face of the record when no party filed objections.
2. Whether to adopt the recommendation denying Plaintiff's motion to compel service and request for removal, granting Defendant's motion to dismiss, and dismissing the complaint without prejudice.

HOLDINGS

1. When no objections are filed, the district court need only determine that there is no clear error on the face of the record before accepting the magistrate judge's recommendation.
2. The magistrate judge's recommendation was adopted; Plaintiff's motion to compel service was denied without prejudice, Plaintiff's request for removal was denied, Defendant's motion to dismiss was granted, and the action was dismissed without prejudice.

KEY QUOTATIONS

“Because there are no objections, the Court “must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’””

FACTUAL BACKGROUND

Plaintiff Jeremy Lamond Henderson filed a complaint and sought to compel service and to remove a matter. Defendant Ashlie Shanley moved to dismiss. The magistrate judge recommended resolving those motions and dismissing the complaint without prejudice.

PROCEDURAL HISTORY

The magistrate judge recommended denying without prejudice Plaintiff's motion to compel service, denying Plaintiff's request for removal, granting Defendant's motion to dismiss, and dismissing the complaint without prejudice. No party objected by the February 2, 2026 deadline. The district court reviewed the recommendation for clear error, adopted it, and ordered dismissal without prejudice; a judgment was to be entered contemporaneously.

DISPOSITION

dismissed

CASES CITED

- *Diamond v. Colonial Life & Accident Insurance Co.*, 416 F.3d 310, 315 (4th Cir. 2005)

OPINION

SHANLEY

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JEREMY LAMOND HENDERSON,

Plaintiff,

1:24-CV-308-DAB-JLW

v. ASHLIE SHANLEY, et al., Defendants.

ORDER

This matter is before the Court for review of the Order and Recommendation filed on January 16, 2026. (D.E. 18.) The Magistrate Judge recommends denying without prejudice Plaintiff Jeremy Henderson's motion to compel service (D.E. 14), denying Mr. Henderson's request for removal (D.E. 1-2), granting Defendant Ashlie Shanley's motion to dismiss (D.E. 10), and dismissing the Complaint without prejudice. The deadline for objections passed on February 2, 2026, and no parties have objected to the Recommendation. Because there are no objections, the Court "must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. Proc. 72 advisory committee's note). This Court has accordingly reviewed the Recommendation and concludes it contains no clear error. Accordingly, it is ORDERED that the Magistrate Judge's Recommendation (D.E. 18) is ADOPTED, Mr. Henderson's motion to compel service (D.E. 14) is DENIED WITHOUT PREJUDICE, Mr. Henderson's request for removal (D.E. 1- 2) is DENIED, Defendant Ashlie Shanley's motion to dismiss (D.E. 10) is GRANTED, and this action is DISMISSED WITHOUT PREJUDICE. A Judgment dismissing this action will be entered contemporaneously with this Order. This the 12th day of February, 2026. /s/ David A. Bragdon United States District Judge