

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

Curtis Dillard, Jr. v. Patrella, et al.

Dillard · No. 1:25-CV-849 · Decided May 6, 2026

SUMMARY

The United States District Court for the Middle District of North Carolina reviews and adopts a magistrate judge’s recommendation because no party filed objections and the record presents no clear error. The court denies Curtis Dillard Jr.’s motion for summary judgment as premature.

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	May 6, 2026
DOCKET	1:25-CV-849
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's order and recommendation recommending denial of Plaintiff's motion for summary judgment as premature. No objections were filed.
STANDARD OF REVIEW	When no objections are filed to a magistrate judge's recommendation, the district court reviews the record for clear error on its face.
PRECEDENTIAL VALUE	Unknown
PARTIES	Curtis Dillard, Jr. v. Patrella, et al.

TOPICS

- summary judgment
- civil procedure

PRACTICE AREAS

- civil procedure
- federal civil procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's recommendation when no party filed objections.
2. Whether Plaintiff's motion for summary judgment should be denied as premature.

HOLDINGS

1. When no objections are filed, the district court need only satisfy itself that there is no clear error on the face of the record before accepting the recommendation.
2. Plaintiff's motion for summary judgment was denied as premature.

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 Curtis Dillard, Jr. filed a motion for summary judgment. The magistrate judge recommended denying the motion as premature. No party objected before the April 27, 2026 deadline.

PROCEDURAL HISTORY

Magistrate Judge JoAnna Gibson McFadden recommended denying Plaintiff's motion for summary judgment as premature. After the objection deadline passed without objections, the district court reviewed the recommendation for clear error, adopted it, and denied the motion.

DISPOSITION

other

CASES CITED

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

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA CURTIS DILLARD, JR., Plaintiff, v. 1:25-CV-849 PATRELLA, et al. Defendants.
ORDER This matter is before the Court for review of the Order and Recommendation entered by the Honorable JoAnna Gibson McFadden. (D.E. 17.)

The Recommendation recommends denying Plaintiff Curtis Dillard Jr.'s motion for summary judgment (D.E. 15) as premature. (Id.) The deadline for objections passed on April 27, 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 reviewed the Recommendation and concludes it contains no clear error.

Accordingly, it is ordered that the Magistrate Judge’s Recommendation (D.E. 17) is ADOPTED and the motion for summary judgment (D.E. 15) is DENIED as premature. This the 6th day of May, 2026. /s/ David A. Bragdon United States District Judge