

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Destiny Countryman v. Equifax, Inc., Experian, and TransUnion,
LLC

Countryman · No. 25-11765 · Decided March 4, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan adopts the magistrate judge’s report and recommendation concerning defendants’ motion to dismiss. The court grants the pro se plaintiff leave to amend the complaint by March 26, 2026, denies the motion to dismiss as moot and without prejudice, and continues the order of reference to the magistrate judge.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	David M. Lawson
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	March 4, 2026
DOCKET	25-11765
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's report and recommendation concerning defendants' motion to dismiss. The court granted the pro se plaintiff leave to amend, denied the motion to dismiss as moot and without prejudice, and continued the order of reference for pretrial proceedings.
STANDARD OF REVIEW	Because no party objected to the report and recommendation, the court stated that the failure to object waived any further right to appeal and released the court from its duty to independently review the matter. The court nevertheless agreed with the magistrate judge's findings and conclusions.
PRECEDENTIAL VALUE	Nonprecedential district court order

TOPICS

[motion to amend](#)

[motions to dismiss](#)

[pleadings](#)

[civil procedure](#)

PRACTICE AREAS

[civil procedure](#)

[consumer protection](#)

QUESTIONS PRESENTED

1. Whether the plaintiff should be granted leave to amend the complaint under Federal Rule of Civil Procedure 15(a)(2).
2. Whether defendants' motion to dismiss should be dismissed as moot and without prejudice after leave to amend was granted.
3. What effect the parties' failure to object had on the district court's review of the report and recommendation.

HOLDINGS

1. The district court adopted the magistrate judge's report and recommendation after no party filed objections and after agreeing with the magistrate judge's findings and conclusions.
2. The plaintiff was granted leave to amend the complaint to clarify and supplement her allegations, with the amended complaint due on or before March 26, 2026.
3. The motion to dismiss was denied as moot and without prejudice.
4. A party's failure to file objections to a magistrate judge's report and recommendation waives any further right to appeal and releases the district court from its duty to independently review the matter.

KEY QUOTATIONS

“should receive enough time as the District Judge deems necessary to submit an amended pleading.” (at 1)

FACTUAL BACKGROUND

The plaintiff's response to defendants' motion to dismiss included new facts and attempted to clarify the allegations in her complaint. The plaintiff proceeded pro se. Based on those circumstances, the magistrate judge recommended construing the response as a request for leave to amend the complaint.

PROCEDURAL HISTORY

Defendant Trans Union, LLC moved to dismiss the complaint, and Experian joined the motion. The magistrate judge construed the plaintiff's response, which added facts and clarified her allegations, as a motion for leave to amend under Federal Rule of Civil Procedure 15(a)(2), and recommended granting leave to amend and dismissing the motion to dismiss as moot and without prejudice. No party objected before the deadline, and the district court adopted the report and recommendation.

DISPOSITION

other

CASES CITED

- Smith v. Detroit Fed’n of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987)
- Thomas v. Arn, 474 U.S. 140, 149 (1985)

OPINION

Countryman

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

DESTINY COUNTRYMAN,

Plaintiff, Case Number 25-11765 v. Honorable David M. Lawson Magistrate Judge Curtis Ivy, Jr.

EQUIFAX, INC., EXPERIAN, and

TRANSUNION, LLC,

Defendants. _____/

ORDER ADOPTING REPORT AND RECOMMENDATION,

GRANTING LEAVE TO AMEND COMPLAINT, DISMISSING

MOTION TO DISMISS AS MOOT AND WITHOUT PREJUDICE,

AND CONTINUING ORDER OF REFERENCE

Presently before the Court is the report issued on February 17, 2026 by Magistrate Judge Curtis Ivy, Jr. pursuant to 28 U.S.C. § 636(b) regarding defendant Trans Union, LLC’s motion to dismiss the complaint, which was joined by defendant Experian. The magistrate judge observed that the plaintiff’s response to the motion to dismiss included new facts and attempted to clarify the allegations in her complaint. Considering the plaintiff’s pro se status, the magistrate judge construed the response as a motion for leave to amend the complaint under Fed. R. Civ. P. 15(a) (2). The magistrate judge accordingly found that the plaintiff should be granted leave to amend the complaint to clarify and supplement her allegations and “should receive enough time as the District Judge deems necessary to submit an amended pleading.” Finally, the report recommended that Trans Union’s motion be dismissed as moot and without prejudice. The deadline for filing objections to the report has passed, and no party has objected to the recommended disposition. The parties’ failure to file objections to the report and recommendation waives any further right to appeal. Smith v. Detroit Fed’n of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge’s report releases the Court from its duty to independently review the matter. Thomas v. Arn, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge. Accordingly, it is ORDERED

that the report and recommendation (ECF No. 33) is ADOPTED and leave to amend the complaint is GRANTED. The plaintiff may file an amended complaint on or before March 26, 2026. It is further ORDERED that the motion to dismiss (ECF No. 21) is DENIED AS MOOT AND WITHOUT PREJUDICE. It is further ORDERED that the order referring the case to the magistrate judge to conduct pretrial proceedings (ECF No. 9) is CONTINUED. s/David M. Lawson

DAVID M. LAWSON

United States District Judge Dated: March 4, 2026