

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE

Musshur Meener v. One Stop Housing, LLC

Meener · No. 2:25-cv-2528-MSN-cgc · Decided February 13, 2026

SUMMARY

The United States District Court for the Western District of Tennessee adopts the magistrate judge’s Report and Recommendation and dismisses the action under Federal Rule of Civil Procedure 41(b) for failure to prosecute. The court denies the defendant’s motion to dismiss as moot and directs the Clerk to send the order and judgment to the plaintiff.

CASE DETAILS

COURT	United States District Court for the Western District of Tennessee
WRITING FOR THE COURT	Mark S. Norris
JURISDICTION	United States District Court for the Western District of Tennessee
DECIDED	February 13, 2026
DOCKET	2:25-cv-2528-MSN-cgc
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation recommending dismissal under Federal Rule of Civil Procedure 41(b) for failure to prosecute. No party filed objections within the prescribed fourteen-day period.
STANDARD OF REVIEW	For dispositive matters, the district judge reviews properly filed objections de novo under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(3). When no objections are filed, the court reviews the report and recommendation for clear error and need not conduct de novo review.
PRECEDENTIAL VALUE	unpublished district court order; precedential status not stated in the opinion
PARTIES	Musshur Meener v. One Stop Housing, LLC

TOPICS

- civil procedure
- motions to dismiss
- waiver

PRACTICE AREAS

civil procedure

federal courts

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's report and recommendation after neither party filed timely objections.
2. Whether the action should be dismissed under Federal Rule of Civil Procedure 41(b) for failure to prosecute.
3. Whether Defendant's pending motion to dismiss should be denied as moot after dismissal of the action.

HOLDINGS

1. When no party files a specific objection to a magistrate judge's dispositive report and recommendation, the district court reviews the report for clear error rather than conducting de novo review.
2. The action was properly dismissed under Federal Rule of Civil Procedure 41(b) because Plaintiff failed to prosecute by not responding to the motion to dismiss or the order to show cause.
3. Defendant's motion to dismiss was denied as moot because the action was dismissed for failure to prosecute.

KEY QUOTATIONS

"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." (Standard of Review)

"The Magistrate Judge's Report and Recommendation (ECF No. 13) is ADOPTED in its entirety, and this matter is DISMISSED pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute."
(Discussion and Conclusion)

FACTUAL BACKGROUND

Plaintiff failed to timely respond to Defendant's motion to dismiss and then failed to respond to the magistrate judge's order directing him to show cause why the motion should not be granted. The fourteen-day objection period following the report and recommendation expired without objections from either party.

PROCEDURAL HISTORY

Defendant filed a motion to dismiss on May 27, 2025. After Plaintiff failed to respond, the magistrate judge issued an order to show cause on September 29, 2025; Plaintiff did not respond. The magistrate judge issued a report and recommendation on January 14, 2026, recommending dismissal for failure to prosecute. The district court found no clear error, adopted the report in its entirety, dismissed the matter under Rule 41(b), and denied the motion to dismiss as moot.

DISPOSITION

dismissed

CASES CITED

- United States v. Curtis, 237 F.3d 598, 602 (6th Cir. 2001)
- Gomez v. United States, 490 U.S. 858, 869-70 (1989)
- Baker v. Peterson, 67 F. App'x 308, 310 (6th Cir. 2003)
- Thomas v. Arn, 474 U.S. 140, 147, 150-51 (1985)
- Miller v. Currie, 50 F.3d 373, 380 (6th Cir. 1995)
- Howard v. Sec'y of Health & Human Servs., 932 F.2d 505, 509 (6th Cir. 1991)
- Verdone v. Comm'r of Soc. Sec., No. 16-CV-14178, 2018 WL 1516918, at *2 (E.D. Mich. Mar. 28, 2018)
- Ramirez v. United States, 898 F. Supp. 2d 659, 663 (S.D.N.Y. 2012)
- Equal Employment Opportunity Comm'n v. Dolgencorp, LLC, 277 F. Supp. 3d 932, 965 (E.D. Tenn. 2017)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE WESTERN DIVISION

MUSSHUR MEENER, Plaintiff, v. Case No. 2:25-cv-2528-MSN-cgc ONE STOP HOUSING, LLC, Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION, DISMISSING MATTER FOR FAILURE TO PROSECUTE, DENYING MOTION TO DISMISS AS MOOT, AND DIRECTING CLERK TO SEND COPIES OF ORDER TO PLAINTIFF

Before the Court is the Magistrate Judge's Report and Recommendation (ECF No. 13, "Report") entered on January 14, 2026.

On May 27, 2025, Defendant filed a Motion to Dismiss. Plaintiff failed to timely respond, and the Magistrate Judge issued an Order to Show Cause (ECF No. 10) on September 29, 2025, directing Plaintiff to show cause within 14 days why the Court should not grant Defendant's Motion to Dismiss. Plaintiff failed to respond to the Order to Show Cause.

Accordingly, the Report recommends that Plaintiff's Complaint be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute. STANDARD OF REVIEW Congress enacted 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district court duties to magistrate judges. See *United States v. Curtis*, 237 F.3d 598, 602 (6th Cir.

2001) (citing *Gomez v. United States*, 490 U.S. 858, 869–70 (1989)); see also *Baker v. Peterson*, 67 F. App'x 308, 310 (6th Cir. 2003). For dispositive matters, “[t]he district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” See Fed. R. Civ. P. 72(b)(3); 28 U.S.C. §636(b)(1).

After reviewing the evidence, the court is free to accept, reject, or modify the magistrate judge’s proposed findings or recommendations. 28 U.S.C. § 636(b)(1). 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. See *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

The district court should adopt the magistrate judge’s findings and rulings to which no specific objection is filed. See *id.* at 151. Objections to any part of a magistrate judge’s disposition “must be clear enough to enable the district court to discern those issues that are dispositive and contentious.” *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995); see also *Arn*, 474 U.S. at 147 (stating that the purpose of the rule is to “focus attention on those issues... that are at the heart of the parties’ dispute.”).

Each objection to the magistrate judge’s recommendation should include how the analysis is wrong, why it was wrong, and how de novo review will obtain a different result on that particular issue. See *Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991). A general objection, or one that merely restates the arguments previously presented and addressed by the magistrate judge, does not sufficiently identify alleged errors in the report and recommendation.

Id. When an objection reiterates the arguments presented to the magistrate judge, the report and recommendation should be reviewed for clear error. *Verdone v. Comm’r of Soc. Sec.*, No. 16-CV-14178, 2018 WL 1516918, at *2 (E.D. Mich. Mar. 28, 2018) (citing *Ramirez v. United States*, 898 F. Supp. 2d 659, 663 (S.D.N.Y. 2012)); *Equal Employment Opportunity Comm’n v. Dolgencorp, LLC*, 277 F. Supp. 3d 932, 965 (E.D.

Tenn. 2017). **DISCUSSION AND CONCLUSION** The Report was entered on January 14, 2026. It notified the parties that that any objections or exceptions to the Report could be filed within 14 days after the party was served with a copy of the Report. It also warned that failure to file objections or exceptions within 14 days may constitute a waiver and/or forfeiture of any objections, exceptions, or further appeal.

The 14-day period has expired, and neither party has filed objections or exceptions. The Court has reviewed the Report for clear error and finds none. The Magistrate Judge’s Report and Recommendation (ECF No. 13) is **ADOPTED** in its entirety, and this matter is **DISMISSED** pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute. Defendant’s Motion to Dismiss (ECF No. 7) is **DENIED AS MOOT**.

The Clerk is DIRECTED to send a copy of this Order and the Judgment to Plaintiff at the following two addresses: (1) 947 S. Willett Street Memphis, TN 38114, and (2) 211 S. Sheppard Drive Euless, TX 76040. IT IS SO ORDERED, this 13th day of February, 2026. s/ Mark S. Norris
MARK S. NORRIS UNITED STATES DISTRICT JUDGE