

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, SHERMAN DIVISION

Dwayne Dozier v. Ashann-Ra

Dozier · No. 4:25-CV-01235-SDJ-BD · Decided January 21, 2026

SUMMARY

A United States magistrate judge recommends dismissing Dwayne Dozier's complaint against Ashann-Ra without prejudice because Dozier failed to pay the filing fee or submit an application to proceed in forma pauperis. The recommendation explains the procedure and deadline for filing objections under 28 U.S.C. § 636(b)(1).

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Sherman Division
JURISDICTION	United States District Court for the Eastern District of Texas, Sherman Division
DECIDED	January 21, 2026
DOCKET	4:25-CV-01235-SDJ-BD
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation by a United States magistrate judge recommending dismissal without prejudice for failure to pay the filing fee, seek in forma pauperis status, or otherwise prosecute the action.
STANDARD OF REVIEW	The report states that specific objections would entitle a party to de novo review by the district court under 28 U.S.C. § 636(b)(1); failure to timely object would limit appellate review to plain error for factual findings and legal conclusions accepted by the district court.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Dwayne Dozier v. Ashann-Ra

TOPICS

- civil procedure
- pleadings

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed without prejudice because the plaintiff failed to pay the filing fee, seek in forma pauperis status, or otherwise prosecute the action.

HOLDINGS

1. The magistrate judge recommended that the complaint be dismissed without prejudice because Dozier failed to pay the filing fee, file an application to proceed in forma pauperis, or otherwise comply with the court's order and prosecute the case.

KEY QUOTATIONS

“It is RECOMMENDED that the complaint, Dkt. 3, be DISMISSED WITHOUT PREJUDICE.”

FACTUAL BACKGROUND

Dwayn Dozier filed a complaint against Ashann-Ra but neither paid the filing fee nor submitted an application to proceed in forma pauperis. After receiving an order giving him 30 days to cure that deficiency and warning of dismissal without prejudice, Dozier failed to take any action.

PROCEDURAL HISTORY

Dozier filed a complaint on October 20, 2025, and the case was transferred to the Eastern District of Texas on November 13, 2025. After Dozier failed to pay the filing fee or file an application to proceed in forma pauperis, the court ordered him to do so within 30 days and warned that failure would result in a recommendation of dismissal. Dozier received the order but did not comply.

DISPOSITION

other

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 155 (1985)
- Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION DWAYN DOZIER § § v. § NO. 4:25-CV-01235-SDJ-BD § ASHANN-RA
§ REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE On
October 20, 2025, pro se plaintiff Dwayn Dozier filed a complaint against Ashann-Ra. Dkt. 3.

On November 13, 2025, the case was transferred to this court. Dkt. 6. But Dozier did not pay a filing fee, file an application to proceed in forma pauperis, or take any other action to prosecute the case. On December 18, 2025, the court ordered him to pay the filing fee or file an application to proceed in forma pauperis within 30 days. Dkt. 9. It warned that “[i]f the plaintiff fails to do so, the court will recommend that all claims be dismissed without prejudice.” Id. Dozier received notice of that order on December 20, 2025, Dkt.

10, but failed to comply with it. It is RECOMMENDED that the complaint, Dkt. 3, be DISMISSED WITHOUT PREJUDICE. * * * Within 14 days after service of this report, any party may serve and file written objections to the findings and recommendations of the magistrate judge. 28 U.S.C. § 636(b)(1). A party is entitled to a de novo review by the district court of the findings and conclusions contained in this report only if specific objections are made.

Id. § 636(b)(1). Failure to timely file written objections to any proposed findings, conclusions, and recommendations contained in this report will bar an aggrieved party from appellate review of those factual findings and legal conclusions accepted by the district court, except on grounds of plain error, provided that the party has been served with notice that such consequences will result from a failure to object.

Id.; Thomas v. Arn, 474 U.S. 140, 155 (1985); Douglass v. United Servs. Auto Ass’n, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc), superseded by statute on other grounds; 28 U.S.C. § 636(b)(1) (extending the time to file objections from 10 to 14 days).