

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

Kristeen Brooke Adams v. Southwest Electric Power Company, et al.

Adams · No. 6:25-CV-329-JDK-KNM · Decided December 1, 2025

SUMMARY

The United States District Court for the Eastern District of Texas adopts the magistrate judge’s report and recommendation. The court dismisses all pending claims without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute because no objections were filed.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Tyler Division
WRITING FOR THE COURT	Jeremy D. Kernodle
JURISDICTION	United States District Court for the Eastern District of Texas, Tyler Division
DECIDED	December 1, 2025
DOCKET	6:25-CV-329-JDK-KNM
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation recommending dismissal without prejudice for failure to prosecute. Because no objections were filed, the district court reviewed the findings for clear error or abuse of discretion and the legal conclusions for whether they were contrary to law.
STANDARD OF REVIEW	When no objections are filed to a magistrate judge's report and recommendation, the district court reviews factual findings for clear error or abuse of discretion and legal conclusions to determine whether they are contrary to law.
PRECEDENTIAL VALUE	Unknown

TOPICS

- civil procedure
- default

PRACTICE AREAS

QUESTIONS PRESENTED

1. What standard of review applies when no party objects to a magistrate judge's report and recommendation?
2. Whether the magistrate judge's recommendation to dismiss the action without prejudice for failure to prosecute should be adopted under Federal Rule of Civil Procedure 41(b).

HOLDINGS

1. When no objections are filed, the district court reviews the magistrate judge's factual findings for clear error or abuse of discretion and reviews legal conclusions to determine whether they are contrary to law.
2. The court adopted the magistrate judge's recommendation and dismissed all pending claims without prejudice for failure to prosecute.

KEY QUOTATIONS

“The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law.”

FACTUAL BACKGROUND

Kristeen Brooke Adams filed the action and was given an opportunity to amend her claims. The magistrate judge concluded that the case should be dismissed without prejudice because Adams failed to prosecute it. Adams did not file written objections to the report and recommendation.

PROCEDURAL HISTORY

Plaintiff filed the lawsuit on August 25, 2025. After allowing plaintiff an opportunity to amend, Magistrate Judge K. Nicole Mitchell recommended dismissal without prejudice for failure to prosecute. No written objections were filed, and the district court adopted the report and recommendation and dismissed all pending claims without prejudice under Federal Rule of Civil Procedure 41(b).

DISPOSITION

dismissed

CASES CITED

- *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc)
- *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), cert. denied, 492 U.S. 918 (1989)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS TYLER DIVISION
KRISTEEN BROOKE ADAMS, § § Plaintiff, § § Case No. 6:25-CV-329-JDK-KNM v. § §

SOUTHWEST ELECTRIC POWER & COMPANY, et al., § § Defendants. § ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE Plaintiff Kristeen Brooke Adams filed this lawsuit on August 25, 2025.

The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition. After providing an opportunity for the plaintiff to amend her claims, Judge Mitchell issued a Report recommending that the complaint be dismissed without prejudice for failure to prosecute. Docket No. 6. No written objections have been filed.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir.

1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, no objections were filed. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.

1989), cert. denied, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Having reviewed the Magistrate Judge's Report and Recommendations, the Court finds no clear error or abuse of discretion and no conclusions contrary to law.

Accordingly, the Court hereby ADOPTS the Report and Recommendation of the United States Magistrate Judge (Docket No. 6) as the findings of this Court. Pursuant to Federal Rule of Civil Procedure 41(b), it is ORDERED that all pending claims in this case are DISMISSED without prejudice for failure to prosecute. So ORDERED and SIGNED this 1st day of December, 2025.

JHREMYJD. KERN DLE UNITED STATES DISTRICT JUDGE