

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA, NORTHERN DIVISION

Gregory Kelly, et al. v. State Farm Insurance Company

Kelly · No. 2:25-cv-795-ECM · Decided December 15, 2025

SUMMARY

The United States District Court for the Middle District of Alabama overruled the Plaintiffs’ objections and adopted the Magistrate Judge’s recommendation. The court dismissed the action without prejudice for failure to comply with court orders and failure to prosecute, and directed that future shotgun pleadings filed by Gregory Kelly or anyone acting in concert with him may be summarily dismissed after appropriate review. The court also denied pending motions as moot and terminated pending deadlines.

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama, Northern Division
WRITING FOR THE COURT	Emily C. Marks
JURISDICTION	United States District Court for the Middle District of Alabama, Northern Division
DECIDED	December 15, 2025
DOCKET	2:25-cv-795-ECM
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed the magistrate judge's recommendation de novo as to any sufficiently specific objections and for clear error otherwise, overruled the plaintiffs' objections, adopted the recommendation, and dismissed the action without prejudice.
STANDARD OF REVIEW	The district court reviews disputed portions of a magistrate judge's report and recommendation de novo when the objections are timely and sufficiently specific; otherwise, the recommendation is reviewed for clear error.
PRECEDENTIAL VALUE	unpublished_nonprecedential

TOPICS

- pleadings
- sanctions
- civil procedure

PRACTICE AREAS

civil procedure

insurance litigation

QUESTIONS PRESENTED

1. What standard of review governs a district court's review of objections to a magistrate judge's report and recommendation?
2. Whether the plaintiffs' objections were sufficiently specific to warrant de novo review of the magistrate judge's findings and conclusions.
3. Whether dismissal without prejudice was warranted because the plaintiffs failed to comply with court orders and failed to file a complaint complying with the Federal Rules of Civil Procedure.
4. Whether the court should order that future shotgun pleadings filed by Gregory Kelly or anyone acting in concert with him be summarily dismissed without prejudice.

HOLDINGS

1. A district court must review disputed portions of a magistrate judge's report and recommendation de novo when a party makes timely and sufficiently specific objections; otherwise, the recommendation is reviewed for clear error.
2. The plaintiffs' objections were insufficiently specific to warrant de novo review because they did not identify any specific error in the magistrate judge's findings or conclusions.
3. Dismissal without prejudice was warranted because the plaintiffs failed to comply with court orders and failed to file an amended complaint that complied with the Federal Rules of Civil Procedure.
4. The court ordered that, after appropriate review, it would summarily dismiss without prejudice any future shotgun complaint filed by Gregory Kelly or anyone acting in concert with him.

KEY QUOTATIONS

“De novo review requires that the district court independently consider factual issues based on the record.”
(at 2)

“The Court agrees that the amended complaint fails to comply with the Federal Rules of Civil Procedure and that this case is due to be dismissed without prejudice.” (at 3)

FACTUAL BACKGROUND

Gregory Kelly had previously been declared a vexatious litigant because of his filing of shotgun pleadings, with the court warning that future shotgun pleadings could be summarily dismissed without prejudice. In this action, Gregory and Annette Kelly failed to comply with multiple court orders, including an order requiring an amended complaint that complied with the Federal Rules of Civil Procedure. They also failed to adequately address their noncompliance in their objections to the magistrate judge's recommendation.

PROCEDURAL HISTORY

Gregory Kelly and Annette B. Kelly filed this action on October 1, 2025. After the magistrate judge ordered an amended complaint, the plaintiffs filed an amended complaint that the magistrate judge determined did not comply with court orders or the Federal Rules of Civil Procedure. The magistrate judge recommended dismissal without prejudice for failure to comply with court orders and failure to prosecute; the district court overruled the plaintiffs' objections, adopted the recommendation, dismissed the action without prejudice, denied pending motions as moot, and terminated pending deadlines.

DISPOSITION

dismissed

CASES CITED

- United States v. Raddatz, 447 U.S. 667, 674 (1980)
- Jeffrey S. by Ernest S. v. State Bd. of Educ. of State of Ga., 896 F.2d 507, 513 (11th Cir. 1990)
- LoConte v. Dugger, 847 F.2d 745, 750 (11th Cir. 1988)
- Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006)
- Kelly v. Montgomery Water Works & Sanitary Sewer Bd., 2:24-cv-348-RAH-JTA (M.D. Ala. May 21, 2025)

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