

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE, NASHVILLE DIVISION

Daniel S. Greenberg v. Judge Anne C. Martin, et al.

No. 3:24-cv-01430 · No. 3:24-cv-01430 · Decided February 4, 2026

SUMMARY

The United States District Court for the Middle District of Tennessee denied Daniel S. Greenberg’s motion for reconsideration of an order adopting a magistrate judge’s report and recommendation and denying a preliminary injunction. The court held that Greenberg waived further review by failing to timely object and found no intervening change in controlling law, relevant new evidence, or clear error warranting reconsideration under Federal Rule of Civil Procedure 54(b).

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee, Nashville Division
JURISDICTION	United States District Court for the Middle District of Tennessee
DECIDED	February 4, 2026
DOCKET	3:24-cv-01430
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration of the court's order adopting a magistrate judge's report and recommendation and denying his motion for a preliminary injunction.
STANDARD OF REVIEW	A district court may revise an interlocutory order under Federal Rule of Civil Procedure 54(b) in its discretion to prevent manifest injustice. Reconsideration is traditionally justified by an intervening change in controlling law, newly available evidence, or the need to correct clear error or prevent manifest injustice.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion and order

TOPICS

[motion for reconsideration](#) [injunctions](#) [civil procedure](#) [due process](#)

PRACTICE AREAS

[civil procedure](#) [constitutional law](#) [civil rights](#) [remedies](#)

QUESTIONS PRESENTED

1. Whether Greenberg waived further judicial review by failing to timely object to the magistrate judge's report and recommendation.
2. Whether the interlocutory order denying preliminary injunctive relief could be reconsidered under Federal Rule of Civil Procedure 54(b) despite Greenberg's citation to Rule 59(e).
3. Whether Greenberg established an intervening change in controlling law, newly available evidence bearing on the original motion, clear error, or manifest injustice warranting reconsideration.

HOLDINGS

1. A party's failure to timely object to a magistrate judge's report and recommendation waives the right to further judicial review, including appeal, absent a basis excusing the failure.
2. Because the order denying the preliminary injunction was interlocutory, reconsideration is governed by Federal Rule of Civil Procedure 54(b), not Rule 59(e). The court may revise the interlocutory order in its discretion when necessary to prevent manifest injustice.
3. Reconsideration was unwarranted because Greenberg identified no intervening change in controlling law, no new evidence bearing on the original preliminary-injunction motion, and no clear error or manifest injustice.

KEY QUOTATIONS

“Traditionally, courts will find justification for reconsidering interlocutory orders when there is (1) an intervening change of controlling law; (2) new evidence available; or (3) a need to correct a clear error or prevent manifest injustice.”

“A motion for reconsideration is not an invitation to argue what should have been raised in objection to the R&R.”

FACTUAL BACKGROUND

Greenberg sought a preliminary injunction based on alleged constitutional violations and harms. After the magistrate judge issued an R&R and the district court adopted it while denying preliminary injunctive relief, Greenberg filed objections more than a month after the R&R and beyond the fourteen-day objection period. His reconsideration motion identified no controlling law overlooked by the court and relied on alleged constitutional violations and harms that either occurred after, or were not raised in, the original preliminary-injunction motion.

PROCEDURAL HISTORY

Magistrate Judge Jeffery S. Frensley issued a report and recommendation on July 21, 2025. The district court adopted the R&R and denied Greenberg's motion for a preliminary injunction. Greenberg did not timely object to the R&R, later filed objections dated August 26, 2025, and moved for reconsideration under Rule 59(e). The court treated the challenged preliminary-injunction order as interlocutory and analyzed reconsideration under Rule 54(b), ultimately denying the motion.

DISPOSITION

other

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 144 (1985)
- Rodriguez v. Tenn. Laborers Health & Welfare Fund, 89 F. App'x 949, 959 (6th Cir. 2004)

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