

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

CHARLOTTE HOLMES,

Plaintiff,

vs.

No. 1:24-1094-STA-jay

CARLI LAWSON, et al.,

Defendants.

ORDER DENYING MOTION TO SET ASIDE AND MOTION TO EXEND TIME

On October 31, 2024, the Magistrate Judge issued a report and recommendation that Plaintiff's amended complaint be dismissed without prejudice *sua sponte*, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). (ECF No. 15.) On November 15, 2024, the Court granted Plaintiff's motion for extension of time to file objections. (ECF No. 17.) As grounds for her motion, Plaintiff stated that she had not received notice of the Magistrate Judge's order until November 7, and she had been in an automobile accident on November 12. (ECF No. 16.)

On December 17, 2024, the Court granted Plaintiff's second motion for extension of time to file objections to the report and recommendation. (ECF No. 19.) As grounds for that motion (ECF No. 18), Plaintiff stated that "[d]ue to the complexity of the case" she needed more time for "further investigation" before responding to the Magistrate Judge's order. Plaintiff was given until February 3, 2025, but still failed to file any objections.

Because the time for filing objections had passed (February 3) and based on the Court's independent review of the record, the Court determined that there was no error in the report and recommendation. Therefore, the Court adopted it in its entirety, and the matter was dismissed

without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). (ECF No. 21.) Judgment was entered on that same day, February 7, 2025. (ECF No. 22.)

Four weeks later on March 7, 2025, Plaintiff filed a motion to set aside the judgment (ECF No. 24), motion to extend time to respond to the report and recommendation (ECF No. 25), and notice of appeal. (ECF No. 27.) Plaintiff also filed a sealed document concerning her medical records. (ECF No. 26.)

As grounds for her motions, Plaintiff states that she injured her right wrist in September 2024 and was “placed on restriction for very little usage of it until ... 3/7/2024.” (Mot. p. 1, ECF No. 24.) However, although she requested and received two extensions of time after her injury in September 2024, this is the first time she has brought it to the Court’s attention. In her two other motions, she gave as reasons for her delay an automobile accident in November 2024, not receiving notice of some filings, and the complexity of the case and need for further investigation. The failure to mention the September 2024 injury in her previous motions casts doubt on her present attempt to use it as good cause for failing to file timely objections. Moreover, the Court notes that the dismissal of this lawsuit was without prejudice.

The Court also takes judicial notice of another lawsuit filed by Plaintiff that is pending in this Court, *Charlotte Holmes v. Publix Supermarkets*, 2:23-cv-02712-MSN-tmp. There have been multiple filings in that matter since September 2024 with no mention of Plaintiff’s injury, including a request for extension of time filed on March 5, 2025. (ECF No. 28.)

Because Plaintiff has failed to show good cause why she did not file timely objections, the motions are **DENIED**.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. Thomas Anderson.
United States District Judge

Date: March 11, 2025