

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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MARSHALL PATRICK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 22-cv-2659
	)	
RENA MAE CHILDRESS, et. al.,	)	
	)	
Defendants.	)	
	)	

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ORDER ADOPTING THE REPORT AND RECOMMENDATION IN FULL AND  
DISMISSING THE COMPLAINT

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**I. Background**

On September 22, 2022, Plaintiff Marshall Patrick filed a pro se complaint alleging violations of his civil rights under 42 U.S.C. § 1983. (ECF No. 1.) He also filed a motion to proceed in forma pauperis, which was granted on September 28, 2022. (ECF Nos. 2, 6.) On September 29, 2022, United States Magistrate Judge Tu M. Pham issued a Report and Recommendation, recommending that the complaint be dismissed. (ECF No. 7.) The Report and Recommendation explained:

Patrick appears to be suing his siblings, who are private citizens, for failing to share the proceeds from renting their late mother's house. Patrick has not alleged that his siblings acted under color of state law, as is required to state a claim under § 1983, and his complaint is devoid of factual allegations that would be actionable under § 1983. (Id. at 4.)

## **II. Jurisdiction**

District courts have jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States. 28 U.S.C. § 1331. Plaintiff seeks recovery under 42 U.S.C. § 1983. (ECF No. 1.) The Court has jurisdiction.

## **III. Standard of Review**

Congress enacted 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district court duties to magistrate judges. See United States v. Curtis, 237 F.3d 598, 602 (6th Cir. 2001) (citing Gomez v. United States, 490 U.S. 858, 869-70 (1989)); see also Baker v. Peterson, 67 F. App'x 308, 310 (6th Cir. 2003). Although "a district judge must determine de novo any part of a Magistrate Judge's disposition that has been properly objected to," Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C), the district court is not required to review (under a de novo or any other standard) "any issue that is not the subject of an objection." Thomas v. Arn, 474 U.S. 140, 150 (1985). The district court should adopt the findings and rulings of the Magistrate Judge to which no specific objection is filed. Id. at 151.

## **IV. Analysis**

Objections to the Report and Recommendation must be filed no more than 14 days after the Report and Recommendation was filed. 28 U.S.C. § 636(b)(1)(C). The Report and Recommendation was filed

on September 29, 2022. More than 14 days have passed, and no objections have been filed. Because there are no objections, the Court adopts the Report and Recommendation in full. The Complaint is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B).

**V. Conclusion**

For the foregoing reasons, the Report and Recommendation is **ADOPTED** in full and the Complaint is **DISMISSED**.

SO ORDERED this 17th day of November, 2022.

/s/ Samuel H. Mays, Jr.  
SAMUEL H. MAYS, JR.  
UNITED STATES DISTRICT JUDGE