

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DONICHA MCCANN-CROSS,

Plaintiff,

v.

CHARLES ANDY BENNETT, *et al.*,

Defendants.

Civil Action No. 25-0664-GBW-SRF

ORDER

At Wilmington, Delaware this 30th day of September 2026:

WHEREAS, on May 30, 2025, Plaintiff Donicha McCann-Cross (“Plaintiff”), initiated the present action by filing the Complaint (D.I. 2) and a Motion for Leave to Proceed *in forma pauperis* (D.I. 1);

WHEREAS, on June 9, 2025, the Court granted Plaintiff’s Motion to Proceed *in forma pauperis* (D.I. 6);

WHEREAS, on March 13, 2026, the Court referred the present action “to Magistrate Judge Sherry R. Fallon to hear and resolve all pretrial matters, up to and including the resolution of case-dispositive motions, subject to 28 U.S.C. § 636(b) and any further Order of the Court,” (D.I. 11);

WHEREAS, on April 20, 2026, Defendants Charles Andy Bennett and Service Tire Truck Center (“Defendants”) filed a Motion to Dismiss for Lack of Jurisdiction Over the Subject Matter (D.I. 17);

WHEREAS, on June 30, 2026, Plaintiff filed a Motion to Appoint Counsel (D.I. 21);

WHEREAS, on July 7, 2026, Plaintiff filed a second Motion to Appoint Counsel (D.I. 24)

WHEREAS, on August 4, 2026, Judge Fallon issued a Report and Recommendation, in which Judge Fallon recommended that the Court grant Defendants Motion to Dismiss for Lack of

subject matter jurisdiction and further recommends the Plaintiff's pending motions for appointment of counsel be terminated as moot (D.I. 26) ("the Report and Recommendation");

WHEREAS, objections to the Report and Recommendation were due on August 18, 2026, (D.I. 76); *see also* Fed. R. Civ. P. 72(b)(2); D. Del. LR 72(b);

WHEREAS, no objections have been filed as of September 30, 2026, (*see McCann-Cross v. Bennett, et al.*, C.A. No. 25-0664-GBW-SRF); and

WHEREAS, the Court has given the Report and Recommendation reasoned consideration and agrees with its conclusions for the reasons stated therein, *see Equal Emp. Opportunity Comm'n v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (district judges required to give report and recommendation of a magistrate judge, for which no timely objections have been filed, reasoned consideration).

THEREFORE, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation (D.I. 26) is **ADOPTED**.
2. Defendant's Motion to Dismiss (D.I. 17) is **GRANTED**.
3. The Amended Complaint (D.I. 8) is **DISMISSED** without prejudice.
4. Plaintiff's Motions to Appoint counsel (D.I. 21, D.I. 24) are **TERMINATED -AS-MOOT**.
5. The clerk is directed to **CLOSE** this case.



GREGORY B. WILLIAMS
UNITED STATES DISTRICT JUDGE