

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA, GREENVILLE DIVISION

Rebecca Theresa Kalfa v. Shellpoint Mortgage Servicing, their
Trustees and their Principals; Corporate Officer R.N.E.S.; Mark
Foley; Whitney Wince

Kalfa v. Shellpoint Mortgage Servicing · No. 6:25-cv-12979-JDA · Decided January 23, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts the magistrate judge’s Report and Recommendation and summarily dismisses Rebecca Theresa Kalfa’s action against Shellpoint Mortgage Servicing and other defendants. The court finds that the complaint and amended complaint contain insufficient factual allegations and fail to establish a cognizable claim for relief. Dismissal is without further leave to amend and without issuance and service of process.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Greenville Division
WRITING FOR THE COURT	Jacquelyn D. Austin
JURISDICTION	United States District Court for the District of South Carolina, Greenville Division
DECIDED	January 23, 2026
DOCKET	6:25-cv-12979-JDA
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a pro se amended complaint. A magistrate judge recommended summary dismissal because the pleadings contained few factual allegations, failed to connect the cited authorities to the asserted claims, and failed to establish a cognizable claim for relief. Plaintiff filed no objections. The district court reviewed the recommendation for clear error, accepted it, and summarily dismissed the action without further leave to amend and without issuance and service of process.
STANDARD OF REVIEW	In the absence of a timely specific objection to a magistrate judge's Report and Recommendation, the district court reviews the recommendation for clear error rather than conducting de novo review.

PRECEDENTIAL VALUE	nonprecedential
PARTIES	Rebecca Theresa Kalfa v. Shellpoint Mortgage Servicing, their Trustees and their Principals; Corporate Officer R.N.E.S.; Mark Foley; Whitney Wince

TOPICS

pleadings

motions to dismiss

civil procedure

standard of review

appellate procedure

PRACTICE AREAS

civil procedure

pleadings

appellate procedure

QUESTIONS PRESENTED

1. What standard of review applies when a party files no objections to a magistrate judge's Report and Recommendation?
2. Whether the magistrate judge's recommendation to summarily dismiss the action should be accepted.
3. Whether the action should be dismissed without further leave to amend and without issuance and service of process.

HOLDINGS

1. When no timely objection is filed, the district court need not conduct de novo review and instead must satisfy itself that there is no clear error on the face of the record before accepting the magistrate judge's recommendation.
2. The action was properly summarily dismissed because the Complaint and Amended Complaint contained insufficient factual allegations, failed to explain how the cited authorities applied to the claims, and failed to establish a cognizable claim for relief.
3. The case was dismissed without further leave to amend and without issuance and service of process.

KEY QUOTATIONS

“contain very few factual allegations; fail to explain how the cited cases, statutes, constitutional provisions, and court rules apply to the claims asserted; and fail to establish a claim for relief that is cognizable in this Court.” (Doc. 18 at 9)

“The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court.” (at 1)

“in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” (at 1)

FACTUAL BACKGROUND

Plaintiff initiated a pro se action against Shellpoint Mortgage Servicing and the other named defendants. Her Complaint and Amended Complaint contained very few factual allegations and cited cases, statutes, constitutional provisions, and court rules without explaining their applicability to her claims. The pleadings did not establish a claim for relief cognizable in the district court.

PROCEDURAL HISTORY

The Clerk docketed Plaintiff's pro se Complaint on October 14, 2025. After an order directing Plaintiff to bring the case into proper form, Plaintiff filed an Amended Complaint on December 8, 2025. Magistrate Judge William S. Brown issued a Report and Recommendation on December 23, 2025, recommending summary dismissal. Plaintiff did not object, and the district court accepted the recommendation after reviewing the record for clear error.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270-71 (1976)
- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310, 315 (4th Cir. 2005)

OPINION

Rebecca Theresa Kalfa v. Shellpoint Mortgage Servicing, their Trustees and their Principals; Corporate Officer R.N.E.S.; Mark Foley; Whitney Wince
PER CURIAM.

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Rebecca Theresa Kalfa,) Case No. 6:25-cv-12979-JDA) Plaintiff,)) v.)
) OPINION AND ORDER

Shellpoint Mortgage Servicing, their) Trustees and their Principals;) Corporate Officer R.N.E.S.; Mark) Foley; Whitney Wince,)) Defendants.) This case proceeds on Plaintiff's Amended Complaint and a Report and Recommendation ("Report") of the Magistrate Judge. [Docs. 14; 18.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., this matter was referred to United States Magistrate Judge William S. Brown for pre-trial proceedings. On October 14, 2025, the Clerk docketed Plaintiff's pro se Complaint. [Doc. 1.] On October 17, 2025, the Magistrate Judge issued an order directing Plaintiff to bring her case into proper form. [Doc. 6.] The Clerk docketed Plaintiff's Amended Complaint on December 8, 2025. [Doc. 14.] On December 23, 2025, the Magistrate Judge issued a Report recommending that the action be summarily dismissed because the Complaint and Amended Complaint "contain very few factual allegations; fail to explain how the cited cases, statutes, constitutional provisions, and court rules

apply to the claims asserted; and fail to establish a claim for relief that is cognizable in this Court.” [Doc. 18 at 9; see id. at 9–25.] The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if she failed to do so. [Id. at 26.] Plaintiff has filed no objections and the time to do so has lapsed. The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261, 270–71

(1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” (internal quotation marks omitted)). The Court has reviewed the record in this case, the applicable law, and the Report of the Magistrate Judge for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference. Accordingly, this action is summarily DISMISSED without further leave to amend and without issuance and service of process. IT IS SO ORDERED. s/ Jacquelyn D. Austin United States District Judge January 23, 2026 Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.