

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Stacy Brackin v. William Tyler Amendolare

Brackin · No. 6:26-cv-915-CMC · Decided May 19, 2026

SUMMARY

The United States District Court for the District of South Carolina dismissed Stacy Brackin’s action without prejudice after the plaintiff failed to comply with a Proper Form Order, failed to prosecute, and filed no objections to the Magistrate Judge’s Report and Recommendation. The court found no clear error, adopted the Report, and dismissed the matter without prejudice.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Cameron McGowan Currie
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	May 19, 2026
DOCKET	6:26-cv-915-CMC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal without prejudice for failure to comply with a court order and failure to prosecute. The plaintiff filed no objections.
STANDARD OF REVIEW	In the absence of a timely specific objection, the district court reviews a magistrate judge's report and recommendation for clear error; portions subject to a specific objection receive de novo review.
PRECEDENTIAL VALUE	unknown
PARTIES	Stacy Brackin v. William Tyler Amendolare

TOPICS

- civil procedure
- pleadings
- service of process

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the district court could accept the magistrate judge's Report and Recommendation after Plaintiff failed to file objections by reviewing the record for clear error.
2. Whether dismissal without prejudice was warranted for Plaintiff's failure to comply with a court order and failure to prosecute.

HOLDINGS

1. When no timely objection is filed, the district court need only determine whether there is clear error on the face of the record before accepting the magistrate judge's recommendation.
2. Dismissal without prejudice was warranted because Plaintiff failed to comply with the Proper Form Order and failed to prosecute the action.

KEY QUOTATIONS

“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.” (2)

FACTUAL BACKGROUND

Plaintiff failed to comply with a Proper Form Order requiring documents needed to place the complaint in proper form for issuance and service of process. He also failed to file objections to the magistrate judge's Report and Recommendation despite being advised of the applicable procedures and consequences. The district court found no clear error in the recommendation to dismiss.

PROCEDURAL HISTORY

Plaintiff filed his complaint on March 5, 2026. The matter was referred to Magistrate Judge Paige J. Gossett, who issued a Proper Form Order requiring Plaintiff to file documents necessary to bring the case into proper form for issuance and service of process. After Plaintiff failed to respond, the magistrate judge recommended dismissal without prejudice; Plaintiff also failed to object. The district court found no clear error, adopted the Report, and dismissed the matter without prejudice.

DISPOSITION

dismissed

CASES CITED

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

OPINION

Brackin

PER CURIAM.

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

Stacy Brackin, Civil Action No. 6:26-cv-915-CMC Plaintiff, vs. ORDER William Tyler Amendolare, Defendants. This matter is before the court on Plaintiff's Complaint filed March 5, 2026. Dkt. No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), D.S.C., the matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings. The Magistrate Judge issued a Proper Form Order on March 16, 2026, notifying Plaintiff of the need to file documents necessary to bring his case into proper form for issuance and service of process. Dkt. No. 6. Plaintiff failed to respond. On April 20, 2026, the Magistrate Judge entered a Report and Recommendation ("Report") recommending this matter be dismissed without prejudice for failure to comply with a court order and failure to prosecute. Dkt. No. 10. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff failed to file objections, and the time to do so has expired. 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 (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 is required to review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 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.") (citation omitted). After a review of the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error, and agrees this matter should be dismissed. Accordingly, the court adopts the Report by reference in this Order. This matter is dismissed without prejudice. IT IS SO ORDERED. s/Cameron McGowan Currie

CAMERON MCGOWAN CURRIE

Senior United States District Judge Columbia, South Carolina May 19, 2026 2