

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Travis Scott McCall, Sr. v. Scotty Bodiford, GCDC

McCall v. Bodiford · No. 8:25-cv-13452-JDA · Decided January 5, 2026

SUMMARY

The United States District Court for the District of South Carolina adopted the Magistrate Judge’s Report and Recommendation and dismissed without prejudice a pro se state prisoner’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court dismissed the action without requiring the respondent to file an answer or return and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
JURISDICTION	United States District Court for the District of South Carolina, Anderson/Greenwood Division
DECIDED	January 5, 2026
DOCKET	8:25-cv-13452-JDA
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se state prisoner filed a petition for writ of habeas corpus under 28 U.S.C. § 2241. After the magistrate judge recommended dismissal without requiring an answer or return and the petitioner filed no objections, the district court reviewed the recommendation for clear error and adopted it.
STANDARD OF REVIEW	In the absence of timely objections to a magistrate judge's report and recommendation, the district court reviews the report for clear error on the face of the record rather than conducting de novo review.
PRECEDENTIAL VALUE	unpublished
PARTIES	Travis Scott McCall, Sr. v. Scotty Bodiford, GCDC

TOPICS

- federal habeas corpus
- post-conviction relief
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should review the magistrate judge's Report and Recommendation for clear error when the petitioner filed no objections.
2. Whether the petition should be dismissed without prejudice without requiring the respondent to file an answer or return.
3. Whether a certificate of appealability should issue.

HOLDINGS

1. When no timely objection is filed to a magistrate judge's Report and Recommendation, the district court need not conduct de novo review and instead reviews the recommendation for clear error on the face of the record.
2. The petition was dismissed without prejudice without requiring Respondent to file an answer or return.
3. A certificate of appealability should not issue because Petitioner did not meet the applicable standard requiring a substantial showing of the denial of a constitutional right.

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”

“Accordingly, Petitioner’s action is DISMISSED without prejudice and without requiring Respondent to file an answer or return.”

FACTUAL BACKGROUND

Petitioner Travis Scott McCall, Sr., a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. The magistrate judge recommended dismissal without requiring Respondent Scotty Bodiford, GCDC, to file an answer or return. Petitioner did not object to the recommendation within the applicable time.

PROCEDURAL HISTORY

The petition was docketed on November 19, 2025. The matter was referred to Magistrate Judge William S. Brown, who issued a Report and Recommendation on December 5, 2025, recommending dismissal without requiring a response from Respondent. Petitioner filed no objections, and the district court accepted the recommendation, incorporated it by reference, and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270-71 (1976)
- Diamond v. Colonial Life & Accident Ins., 416 F.3d 310, 315 (4th Cir. 2005)
- Slack v. McDaniel, 529 U.S. 473, 484-85 (2000)
- Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003)

OPINION

Bodiford

PER CURIAM.

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE DISTRICT OF SOUTH CAROLINA

ANDERSON/GREENWOOD DIVISION

Travis Scott McCall, Sr.,) Case No. 8:25-cv-13452-JDA) Petitioner,))

v.) OPINION AND ORDER

) Scotty Bodiford, GCDC,)) Respondent.) This matter is before the Court on Petitioner's Petition and a Report and Recommendation ("Report") of the Magistrate Judge. [Docs. 1; 11.] 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 William S. Brown for pre-trial proceedings. On November 19, 2025, the Clerk docketed a petition for writ of habeas corpus filed pro se by a state prisoner pursuant to 28 U.S.C. § 2241. [Doc. 1.] On December 5, 2025, the Magistrate Judge issued a Report recommending that the case be dismissed without requiring Respondent to file an answer or return. [Doc. 11.] The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. [Id. at 9.] Petitioner has not filed objections or otherwise responded to the Report, 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, Petitioner's action is DISMISSED without prejudice and without requiring Respondent to file an answer or return.

CERTIFICATE OF APPEALABILITY

"The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant." Rule 11(a) of the Rules Governing Section 2254 Cases; see Rule 1(b) of the Rules Governing Section 2254 Cases (stating that a district court may apply these rules to a habeas petition not filed pursuant to § 2254). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When the district court denies relief on the merits, a petitioner satisfies this standard by demonstrating that reasonable jurists would find that the court's assessment of the constitutional claims is debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); see *Miller-El v. Cockrell*, 537 U.S. 322, 336–38

(2003). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable, and that the petition states a debatable claim of the denial of a constitutional right. *Slack*, 529 U.S. at 484–85. In this case, the legal standard for the issuance of a certificate of appealability has not been met. IT IS SO ORDERED. s/ Jacquelyn D. Austin United States District Judge January 5, 2026 Greenville, South Carolina