

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

**Brandon Gabelhart d/b/a Tembo and Co. v. Longhart Construction
& Racking, LLC; Joshua Longhart**

Gabelhart · No. 6:23-cv-03671-DCC-KFM · Decided May 5, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts a magistrate judge's Report and Recommendation after finding no clear error and no timely objections. The Court strikes Defendant Joshua Longhart's answer, directs entry of default against him for failure to comply with multiple court orders, and orders the plaintiff to file a motion for default judgment within 30 days.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Greenville Division
WRITING FOR THE COURT	Donald C. Coggins, Jr.
JURISDICTION	United States District Court for the District of South Carolina, Greenville Division
DECIDED	May 5, 2026
DOCKET	6:23-cv-03671-DCC-KFM
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending that Defendant Joshua Longhart's answer be stricken and default be entered against him for failure to comply with court orders.
STANDARD OF REVIEW	In the absence of a timely specific objection to the magistrate judge's Report and Recommendation, the district court reviews the recommendation for clear error on the face of the record; portions subject to a specific objection receive de novo review.
PRECEDENTIAL VALUE	Unknown

TOPICS

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PRACTICE AREAS

civil procedure

construction law

commercial litigation

QUESTIONS PRESENTED

1. Whether the district court should accept the magistrate judge's recommendation to strike Joshua Longhart's answer and enter default against him after no party filed objections.
2. What standard of review governs a magistrate judge's Report and Recommendation when no timely objection is filed.

HOLDINGS

1. When no timely objection is filed to a magistrate judge's Report and Recommendation, the district court need only review the record for clear error before accepting the recommendation.
2. Joshua Longhart's answer should be stricken and default entered against him because he failed to comply with multiple court orders.

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.” (unpaginated)

FACTUAL BACKGROUND

Defendant Joshua Longhart failed to comply with multiple orders issued by the district court. Based on that noncompliance, the magistrate judge recommended striking his answer and entering default against him. No party objected to the recommendation within the prescribed time.

PROCEDURAL HISTORY

The matter was referred to Magistrate Judge Kevin F. McDonald for pretrial proceedings. On March 24, 2026, the magistrate judge recommended striking Joshua Longhart's answer and entering default against him. No party filed objections, so the district court reviewed the Report for clear error, found none, adopted the recommendation, struck the answer, and directed the Clerk to enter default.

DISPOSITION

other

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

Gabelhart

PER CURIAM.

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

Brandon Gabelhart d/b/a Tembo and Co,) Case No. 6:23-cv-03671-DCC-KFM) Plaintiff,)) v.)
ORDER) Longhart Construction & Racking, LLC;) Joshua Longhart,)) Defendants.)

_____) This matter is before the Court for review. 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 Kevin F. McDonald for pre-trial proceedings and a Report and Recommendation (“Report”). On March 24, 2026, the Magistrate Judge issued a Report recommending that the answer filed on behalf of Defendant Joshua Longhart be stricken and default be entered against him because he has failed to comply with orders from this Court. ECF No. 104. The Magistrate Judge advised all parties of the procedures and requirements for filing objections to the Report and the serious consequences for failing to do so. No party has filed objections 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 (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. 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 considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s recommendation. Based upon his failure to comply with multiple Court orders, the Court STRIKES the answer filed on behalf of Defendant Joshua Longhart and directs the Clerk of Court to enter default against him. Plaintiff is directed to file a motion for default judgment within 30 days. IT IS SO ORDERED. s/ Donald C. Coggins, Jr. United States District Judge May 5, 2026
Spartanburg, South Carolina