

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

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

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