

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

Akimsey Cherunn Crawford v. Chase E. Furnas, George A. Johnson,
and George D. Johnson

Crawford · No. 7:25-cv-12721-DCC · Decided May 1, 2026

SUMMARY

The United States District Court for the District of South Carolina adopted the magistrate judge’s recommendation and dismissed the plaintiff’s action with prejudice, without leave to amend, and without issuance and service of process. The dismissal was based on failure to state a plausible claim, with an alternative dismissal without prejudice for failure to comply with court orders under Federal Rule of Civil Procedure 41(b).

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Spartanburg Division
WRITING FOR THE COURT	Donald C. Coggins, Jr.
JURISDICTION	United States District Court for the District of South Carolina, Spartanburg Division
DECIDED	May 1, 2026
DOCKET	7:25-cv-12721-DCC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal of Plaintiff's complaint with prejudice, without leave to amend, and without issuance and service of process. Plaintiff filed no objections.
STANDARD OF REVIEW	In the absence of specific 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. Specific objections would trigger de novo review of the challenged portions.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district court order

PARTIES

Akimsey Cherunn Crawford v. Chase E. Furnas, George A. Johnson,
George D. Johnson

TOPICS

motions to dismiss pleadings civil procedure section 1983

PRACTICE AREAS

civil procedure civil rights

QUESTIONS PRESENTED

1. What standard of review applies when no party objects to a magistrate judge's Report and Recommendation?
2. Whether the complaint should be dismissed with prejudice, without leave to amend, and without issuance and service of process for failure to state a plausible claim.
3. Whether the action should alternatively be dismissed without prejudice for failure to comply with court orders under Federal Rule of Civil Procedure 41(b).

HOLDINGS

1. When no timely objection is filed, the district court need only review the Report and the record for clear error before accepting the recommendation; de novo review is not required.
2. The action is dismissed with prejudice, without leave to amend, and without issuance and service of process for failure to state a plausible claim upon which relief can be granted.
3. Alternatively, the action is dismissed without prejudice for failure to comply with court orders pursuant to Federal Rule of Civil Procedure 41(b).

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." (Order at 1)

FACTUAL BACKGROUND

The opinion provides no substantive facts underlying Plaintiff's claims. The material procedural facts are that Plaintiff filed a complaint, the magistrate judge recommended dismissal for failure to state a plausible claim, and Plaintiff did not file objections after being advised of the applicable procedures and consequences.

PROCEDURAL HISTORY

Plaintiff filed a complaint. The matter was referred to Magistrate Judge Kevin F. McDonald for pretrial proceedings, and the magistrate judge issued a Report and Recommendation on March 9, 2026, recommending dismissal with prejudice for failure to state a plausible claim. Plaintiff did not object within the prescribed

period. The district court reviewed the Report for clear error, adopted its recommendation, and dismissed the action with prejudice, without leave to amend and without issuance and service of process.

DISPOSITION

dismissed

CASES CITED

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

OPINION

Crawford

PER CURIAM.

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

Akimsey Cherunn Crawford,) Case No. 7:25-cv-12721-DCC) Plaintiff,)) v.) ORDER) Chase
E. Furnas, George A. Johnson,) George D. Johnson,)) Defendants.)
_____) This matter is before the Court upon Plaintiff's
complaint. ECF No. 1. 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 9, 2026, the
Magistrate Judge issued a Report recommending that this action be dismissed with prejudice,
without leave to amend, and without issuance and service of process. ECF No. 27. The Magistrate
Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and
the serious consequences for failing to do so. Plaintiff has not 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. This action is DISMISSED with prejudice, without leave to amend, and without issuance and service of process for failure to state a plausible claim upon which relief can be granted.¹ IT IS SO ORDERED. s/ Donald C. Coggins, Jr. United States District Judge May 1, 2026 Spartanburg, South Carolina 1 Alternatively, this action is dismissed without prejudice for failure to comply with court orders pursuant to Federal Rule of Civil Procedure 41(b).

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