

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Jayun Elenai Harrison v. Kerwin Ruiz

Harrison · No. 25-cv-4880-SAL-SVH · Decided April 29, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts a magistrate judge’s Report and Recommendation and dismisses Jayun Elenai Harrison’s 42 U.S.C. § 1983 action for failure to prosecute. The dismissal follows Plaintiff’s failure to respond to Defendant’s summary judgment motion or otherwise participate after receiving notice and an opportunity to object.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	April 29, 2026
DOCKET	25-cv-4880-SAL-SVH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a pro se action under 42 U.S.C. § 1983. After Defendant moved for summary judgment and Plaintiff failed to respond or otherwise communicate with the court, the magistrate judge recommended dismissal for failure to prosecute. The district court reviewed the Report and Recommendation, found no clear error, adopted it, and dismissed the action under Federal Rule of Civil Procedure 41(b).
STANDARD OF REVIEW	In the absence of specific objections to a magistrate judge's Report and Recommendation, the district court reviews the record for clear error before accepting the recommendation. De novo review is required only for portions to which specific objections are made.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Jayun Elenai Harrison v. Kerwin Ruiz

TOPICS

- civil procedure
- summary judgment
- section 1983
- prisoners rights

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation when Plaintiff filed no objections.
2. Whether the action should be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41(b) after Plaintiff failed to respond to Defendant's summary-judgment motion and failed to comply with the court's directive to advise whether he wished to proceed.

HOLDINGS

1. When no specific objections are filed, the district court need only determine whether the Report and Recommendation contains clear error on the face of the record before adopting it.
2. A civil action may be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41(b) when the plaintiff fails to respond to a dispositive motion and fails to comply with a court order directing the plaintiff to indicate whether he wishes to proceed.

KEY QUOTATIONS

"Finding no clear error in the Report, ECF No. 42, it is adopted and incorporated."

"For the reasons discussed in the Report, this case is dismissed for failure to prosecute under Fed. R. Civ. P. 41(b)."

FACTUAL BACKGROUND

Plaintiff alleged that officials made false statements while he was housed at Alvin S. Glenn Detention Center. After Defendant moved for summary judgment, Plaintiff failed to file an opposition or any other filing despite receiving an explanation of the summary-judgment process and a warning that the action could be dismissed for failure to prosecute.

PROCEDURAL HISTORY

Plaintiff filed suit in June 2025 concerning alleged false statements by officials while he was housed at Alvin S. Glenn Detention Center. The magistrate judge authorized service and entered a scheduling order. Defendant moved for summary judgment on February 5, 2026; Plaintiff did not respond despite a Roseboro order and a later warning that the action could be dismissed for failure to prosecute. The magistrate judge recommended dismissal, Plaintiff filed no objections, and the district court adopted the recommendation and dismissed the case.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270-71 (1976)
- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310, 315 (4th Cir. 2005)

OPINION

Harrison

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH CAROLINA

Jayun Elenai Harrison, Case No.: 25-cv-4880-SAL-SVH Plaintiff, v. ORDER Kerwin Ruiz, Defendant. In June 2025, Plaintiff Jayun Elenai Harrison, proceeding pro se, filed this action under 42 U.S.C. § 1983, raising claims concerning false statements allegedly made by officials while he was housed at Alvin S. Glenn Detention Center. United States Magistrate Judge Shiva V. Hodges authorized service and later entered a scheduling order giving the parties discovery and dispositive motion deadlines. See ECF Nos. 23, 32. On February 5, 2026, Defendant moved for summary judgment, and the court entered a Roseboro order explaining summary judgment to Plaintiff and giving him thirty-one days to file a response. [ECF Nos. 37, 38.] On March 12, 2026, having received no response, the magistrate judge issued an order directing Plaintiff to advise the court whether he wished to proceed in this case and warning him that his case could be dismissed for failure to prosecute if he did not respond. [ECF No. 40.] Plaintiff never filed a response in opposition to Defendant's motion, nor has he filed anything else in this case since Defendant filed its motion for summary judgment. On March 30, 2026, the magistrate judge issued a Report and Recommendation ("Report") in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), recommending the court dismiss this action for failure to prosecute. [ECF No. 42.] Attached to the Report was a notice advising Plaintiff of the procedures and requirements for filing objections. /d. at 3. Plaintiff has not objected to the Report, 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 this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify it, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee's note). Finding no clear error in the Report, ECF No. 42, it is adopted and incorporated. For the reasons discussed in the Report, this case is dismissed for failure to prosecute under Fed. R. Civ. P. 41(b). IT IS SO ORDERED. y , t. April 28, 2026 Sherri A. Lydon Columbia, South Carolina United States District Judge ' The court has not

received a notice of address change from Plaintiff, and the mail sent to Plaintiff has not been returned as undeliverable.

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