

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Tyleek Rayquaun Johnson v. Shana Peeler; Capt. Hayes; Mrs. Lucy;
Ashley Hunt; Kathy White; and A. Roach

Johnson v. Peeler · No. 5:25-3379-JDA-KDW · Decided March 30, 2026

SUMMARY

The United States Magistrate Judge recommends dismissing Tyleek Rayquaun Johnson’s 42 U.S.C. § 1983 action with prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b). The recommendation is based on Johnson’s failure to respond to the defendants’ motion for summary judgment, motion to seal, and subsequent court order, and it states that the motion to seal should be denied as moot if the recommendation is adopted.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Kaymani D. West
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	March 30, 2026
DOCKET	5:25-3379-JDA-KDW
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on Defendants' unopposed motion for summary judgment and motion to seal in a 42 U.S.C. § 1983 action.
STANDARD OF REVIEW	For a Rule 41(b) dismissal for failure to prosecute, the court balances the policy favoring decisions on the merits against sound judicial administration by considering the plaintiff's responsibility for the failure to prosecute, prejudice to the defendant from delay, the history of delay, and the effectiveness of lesser sanctions. A district judge reviewing an unobjected-to report and recommendation need only determine whether there is clear error on the face of the record.
PRECEDENTIAL VALUE	nonprecedential report and recommendation
PARTIES	Tyleek Rayquaun Johnson v. Shana Peeler, Capt. Hayes, Mrs. Lucy, Ashley Hunt, Kathy White, A. Roach

TOPICS

sanctions

civil procedure

summary judgment

section 1983

prisoners rights

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed with prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b) after Plaintiff failed to respond to Defendants' motions and court orders.
2. Whether Defendants' motion to seal should be denied as moot if the action is dismissed.

HOLDINGS

1. The magistrate judge recommended that the action be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) because Plaintiff failed to respond to Defendants' motion for summary judgment, failed to respond to the court's subsequent order, and appeared to have abandoned the action.
2. If the district court adopted the recommendation to dismiss the action, Defendants' motion to seal should be denied as moot.

KEY QUOTATIONS

“In so doing, the court must weigh: 1) plaintiffs responsibility for failure to prosecute, 2) prejudice to defendant from delay, 3) history of delay, and 4) effectiveness of lesser sanctions.”

“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.’”

FACTUAL BACKGROUND

Plaintiff, proceeding pro se, brought a § 1983 action alleging violations of his constitutional rights. Defendants filed a motion for summary judgment and a motion to seal, but Plaintiff did not respond to either motion despite receiving a Roseboro warning and a later order directing him to respond and advising that dismissal with prejudice could result. Plaintiff's last filing was a notice of change of address filed on October 10, 2025.

PROCEDURAL HISTORY

Plaintiff filed this § 1983 action on April 22, 2025. Defendants moved for summary judgment and to seal documents. After Plaintiff failed to respond, the court issued a Roseboro warning and later directed him to advise whether he wished to continue and to respond by March 19, 2026. Plaintiff filed nothing in response, and the magistrate judge recommended dismissal with prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b), with the motion to seal denied as moot if the recommendation were adopted.

DISPOSITION

CASES CITED

- Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975)
- Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978)
- Ballard v. Carlson, 882 F.2d 93, 95-96 (4th Cir. 1989)
- Chandler Leasing Corp. v. Lopez, 669 F.2d 919, 920 (4th Cir. 1982)
- Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310 (4th Cir. 2005)
- Thomas v. Arn, 474 U.S. 140 (1985)
- Wright v. Collins, 766 F.2d 841 (4th Cir. 1985)
- United States v. Schronce, 727 F.2d 91 (4th Cir. 1984)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA
Tyleek Rayquaun Johnson,) C/A No.: 5:25-3379-JDA-KDW) Plaintiff,)) v.) REPORT AND
RECOMMENDATION) Shana Peeler; Capt. Hayes; Mrs. Lucy;) Ashley Hunt; Kathy White, and
A. Roach,)) Defendants.)) On April 22, 2025, Plaintiff Tyleek Rayquaun Johnson, proceeding
pro se, filed this action against Defendants pursuant to 42 U.S.C. § 1983 alleging a violation of his
constitutional rights.

On December 30, 2025, Defendants filed a Motion for Summary Judgment. ECF No. 62.1
Because Plaintiff is proceeding pro se, the court entered an order pursuant to Roseboro v.
Garrison, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the importance of such motions and of
the need for Plaintiff to file an adequate response. ECF No. 63. Plaintiff was specifically advised
that if Plaintiff failed to respond adequately, Defendants' Motion may be granted, thereby ending
this case against Defendants.

See id. Notwithstanding the specific warning and instructions set forth in the court's Roseboro
Order, Plaintiff failed to respond to the Motion. The deadline to respond was February 2, 2026.
For this reason, on February 18, 2026, the court issued an order directing Plaintiff to advise the
court whether he wished to continue with the case and to file a response to the Motion by March
19, 2026.

ECF No. 70. Plaintiff was advised that if he failed to respond, this case would be recommended
for dismissal with prejudice. See ECF No. 70. Plaintiff has not filed a response 1 Defendants also
filed a Motion to Seal Document on the same day. See ECF No. 61. Plaintiff did not respond to
this Motion. to the Motion. Nor has Plaintiff responded to the Motion to Seal filed by Defendants.

Defendants' Motion has now been pending for three months with no response. The last filing this court received from Plaintiff was a Notice of Change of Address he filed on October 10, 2025, notifying the court of his updated address. See ECF No. 47.

As such, it appears to the court that Plaintiff does not oppose Defendants' Motion and wishes to abandon this action. See Fed. R. Civ. P. 41(b); *Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978) (noting that a court deciding whether to dismiss a case under Fed. R. Civ. P. 41(b) must balance the policy of deciding cases on their merits against "sound judicial administration." In so doing, the court must weigh: 1) plaintiffs responsibility for failure to prosecute, 2) prejudice to defendant from delay, 3) history of delay, and 4) effectiveness of lesser sanctions.); see also *Ballard v. Carlson*, 882 F.2d 93, 95-96 (4th Cir.

1989) (noting and applying *Davis* factors in dismissing case under Fed. R. Civ. P. 41(b)); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982) (same). Based upon the above, and taking into account the factors in *Davis*, *Ballard*, and *Chandler*, the undersigned recommends this action against Defendants be dismissed with prejudice for failure to prosecute pursuant to Fed.

R. Civ. P. 41(b). If the Court adopts this recommendation, then Defendants' Motion to Seal should be denied as moot. IT IS SO RECOMMENDED. March 30, 2026 Kaymani D. West Florence, South Carolina United States Magistrate Judge The parties are directed to note the important information in the attached "Notice of Right to File Objections to Report and Recommendation." Notice of Right to File Objections to Report and Recommendation The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge.

Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. "[I]n 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.'" *Diamond v. Colonial Life & Acc.*

Ins. Co., 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to: Robin L. Blume, Clerk United States District Court Post Office Box 2317 Florence, South Carolina 29503 Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation.

28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984). 3

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