

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

Wesley L. Givens v. Willington, A/W People, Frank Ocean, Cpt.
Spikes

Givens · No. 9:24-cv-00762-DCC · Decided April 22, 2026

SUMMARY

The United States District Court for the District of South Carolina dismissed Wesley L. Givens’s pro se action without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute. The court adopted the magistrate judge’s Report and Recommendation after Plaintiff failed to respond to the supplemental summary judgment motion or file objections, and found no clear error.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Beaufort Division
WRITING FOR THE COURT	Donald C. Coggins, Jr.
JURISDICTION	United States District Court for the District of South Carolina, Beaufort Division
DECIDED	April 22, 2026
DOCKET	9:24-cv-00762-DCC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal without prejudice for failure to prosecute after Plaintiff failed to respond to Defendants' supplemental motion for summary judgment and failed to file objections.
STANDARD OF REVIEW	In the absence of specific objections, clear-error review of the Report and Recommendation; specific objections would require de novo review under 28 U.S.C. § 636(b).
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation and no stated precedential designation.
PARTIES	Wesley L. Givens v. Willington, A/W People, Frank Ocean, Cpt. Spikes

TOPICS

civil procedure

summary judgment

PRACTICE AREAS

civil procedure

civil rights

QUESTIONS PRESENTED

1. Whether the court should accept the magistrate judge's recommendation to dismiss the action for failure to prosecute when Plaintiff filed no objections.
2. Whether the supplemental motion for summary judgment remained for decision after dismissal of the action.

HOLDINGS

1. When no timely objection is filed, the district court reviews the Report and Recommendation for clear error and may accept it if the record reveals no clear error.
2. The action was dismissed without prejudice under Federal Rule of Civil Procedure 41(b) because Plaintiff failed to respond to the supplemental summary-judgment motion and failed to prosecute the action.
3. The supplemental motion for summary judgment was moot following dismissal of the action.

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.”

FACTUAL BACKGROUND

Plaintiff proceeded pro se in an action against the named Defendants. Defendants filed a supplemental motion for summary judgment, but Plaintiff did not respond despite receiving a Roseboro notice explaining the summary-judgment and dismissal procedure and the consequences of failing to respond. Plaintiff also failed to object to the magistrate judge's recommendation that the action be dismissed for failure to prosecute.

PROCEDURAL HISTORY

Plaintiff filed a pro se complaint. Defendants filed a supplemental motion for summary judgment, and the court issued a Roseboro notice advising Plaintiff of the applicable procedure and consequences of failing to respond. Plaintiff did not respond. The magistrate judge recommended dismissal without prejudice under Federal Rule of Civil Procedure 41(b), and Plaintiff filed no objections. The district court reviewed the Report for clear error, adopted its recommendation, dismissed the action, and found the supplemental summary-judgment motion moot.

DISPOSITION

dismissed

CASES CITED

- Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975)
- Mathews v. Weber, 423 U.S. 261 (1976)
- Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005)

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