

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Gino Roberto Trombini, Jr. v. Weldon Eugene Holtzclaw, Jr.

Trombini · No. 1:25-cv-12598-SAL · Decided November 21, 2025

SUMMARY

The United States District Court for the District of South Carolina adopted a magistrate judge’s Report and Recommendation because the plaintiff filed no objections and the court found no clear error. The action was summarily dismissed without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Sherri A. Lydon
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	November 21, 2025
DOCKET	1:25-cv-12598-SAL
DISPOSITION	dismissed
PROCEDURAL POSTURE	Review and adoption of a magistrate judge's Report and Recommendation recommending dismissal without prejudice for failure to prosecute.
STANDARD OF REVIEW	In the absence of objections to a magistrate judge's report and recommendation, the district court reviews the record for clear error and need not provide an explanation beyond satisfying itself that no clear error appears on the face of the record.
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential

TOPICS

- civil procedure
- motions to dismiss

PRACTICE AREAS

- civil procedure
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation when the plaintiff filed no objections.
2. Whether the action should be dismissed without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41.

HOLDINGS

1. When no objections are filed, the district court may accept the magistrate judge's recommendation after determining that no clear error appears on the face of the record.
2. The action may be summarily dismissed without prejudice under Federal Rule of Civil Procedure 41 for failure to prosecute when the magistrate judge has so recommended and the district court finds no clear error in that recommendation.

KEY QUOTATIONS

“The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court.”

“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.””

FACTUAL BACKGROUND

The plaintiff filed a civil action against Weldon Eugene Holtzclaw, Jr. The magistrate judge recommended dismissal without prejudice for failure to prosecute. The plaintiff did not object to the recommendation, and the objection period expired.

PROCEDURAL HISTORY

Magistrate Judge Shiva V. Hodges issued a Report and Recommendation under 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), recommending dismissal without prejudice for failure to prosecute. Plaintiff received notice of the objection procedures but filed no objections within the applicable time. The district court found no clear error, adopted and incorporated the Report, and summarily dismissed the action without prejudice under Federal Rule of Civil Procedure 41.

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)

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