

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Jaquell Antonio McCullum v. Nurse Eric McDaniel and Nurse
Practitioner Jordan Sauls

McCullum · No. 1:25-cv-6116-JFA-SVH · Decided December 1, 2025

SUMMARY

The United States District Court for the District of South Carolina adopted the Magistrate Judge’s Report and Recommendation and dismissed Plaintiff Jaquell Antonio McCullum’s civil action without prejudice. The dismissal was based on Plaintiff’s failure to maintain a current address, respond to court orders, or prosecute the case under Federal Rule of Civil Procedure 41.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Joseph F. Anderson, Jr.
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	December 1, 2025
DOCKET	1:25-cv-6116-JFA-SVH
DISPOSITION	dismissed
PROCEDURAL POSTURE	The plaintiff failed to maintain a current address, failed to respond to an order directing him to provide an updated address, and failed to object to the Magistrate Judge's Report and Recommendation. The District Court reviewed and adopted the Report and Recommendation and dismissed the action without prejudice for failure to prosecute.
STANDARD OF REVIEW	Absent specific objections to a Magistrate Judge's Report and Recommendation, the District Court is not required to conduct de novo review of the unobjected-to portions or provide an explanation for adopting the recommendation.
PRECEDENTIAL VALUE	Unknown
PARTIES	Jaquell Antonio McCullum v. Nurse Eric McDaniel, Nurse Practitioner Jordan Sauls

TOPICS

civil procedure

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41 for the plaintiff's failure to prosecute.
2. Whether the District Court could adopt the Magistrate Judge's Report and Recommendation without conducting de novo review or providing a detailed explanation when the plaintiff filed no specific objections.

HOLDINGS

1. The action was properly dismissed without prejudice under Federal Rule of Civil Procedure 41 because the plaintiff failed to maintain a current address, failed to comply with the court's order, and failed to prosecute the case.
2. When a party fails to make specific objections to a Magistrate Judge's Report and Recommendation, the District Court is not required to conduct de novo review of specific portions of the report or explain its adoption of the recommendation.

KEY QUOTATIONS

“Consequently, this action is dismissed without prejudice for failure to prosecute.” (Opinion text)

FACTUAL BACKGROUND

Plaintiff Jaquell Antonio McCullum filed a civil action against Nurse Eric McDaniel and Nurse Practitioner Jordan Sauls. Court mail sent to McCullum's address of record was returned as undeliverable, and he failed to notify the court of a new address despite being warned that he was responsible for keeping the court apprised of his address. He also failed to respond to the order directing him to provide an updated address and failed to object to the Magistrate Judge's Report and Recommendation.

PROCEDURAL HISTORY

The action was referred to a Magistrate Judge for initial review under 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2). After mail to the plaintiff was returned as undeliverable, the Magistrate Judge directed him to provide an updated address and warned that failure to respond would result in a recommendation of dismissal for failure to prosecute. The plaintiff did not respond or object to the resulting Report and Recommendation, which the District Court adopted.

DISPOSITION

dismissed

CASES CITED

- Carniewski v. W. Virginia Bd. of Prob. & Parole, 974 F.2d 1330 (4th Cir. 1992)
- Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)
- Mathews v. Weber, 423 U.S. 261 (1976)

OPINION

IN THE UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA Jaquell Antonio McCullum, C/A No. 1:25-cv-6116-JFA-SVH Plaintiff, v. ORDER Nurse Eric McDaniel and Nurse Practitioner Jordan Sauls, Defendants. Plaintiff Jaquell Antonio McCullum, proceeding pro se, filed this civil action against Defendants.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for initial review. After several court orders were returned as undeliverable to Plaintiff, the Magistrate Judge issued the following Order: On September 5, 2025, out of an abundance of caution, the undersigned directed the Clerk of Court to mail the scheduling order to Plaintiff's address of record and an address listed on Defendants' certificate of service.

[ECF No. 25]. The order also noted it is Plaintiff's responsibility to keep the court apprised of his address. Since then, mail sent to Plaintiff's address of record has been returned and Plaintiff has failed to apprise the court of a new address. [ECF Nos. 28, 29].

As such, it appears to the court that Plaintiff no longer wishes to pursue this case. Plaintiff is directed to advise the court of an updated address of October 13, 2025. Failure to respond will result in a recommendation that this matter be dismissed for failure to prosecute. (ECF No. 30). Despite this specific warning, Plaintiff failed to respond. Thereafter, the Magistrate Judge prepared a thorough Report and Recommendation¹ ("Report").

(ECF No. 33). Within the Report, the Magistrate Judge opines that this matter should be summarily dismissed for Plaintiff's failure to prosecute pursuant to Federal Rule of Civil Procedure 41. *Id.* The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Plaintiff was advised of his right to object to the Report, which was entered on the docket on October 22, 2025. *Id.* The Magistrate Judge required Plaintiff to file objections by November 5, 2025. *Id.* Plaintiff failed to file objections.

Thus, this matter is ripe for review. A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge's Report to which an objection is made. See 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); Carniewski v. W. Virginia Bd. of Prob. & Parole, 974 F.2d 1330 (4th Cir. 1992).

In the absence of specific objections to portions of the Magistrate's Report, this Court is not required to give an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Here, Plaintiff has failed to raise any objections and therefore this Court is not required to give an explanation for adopting the recommendation. A review of the Report and prior orders indicates that the Magistrate Judge correctly concluded that Plaintiff's 1 The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.).

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. *Mathews v. Weber*, 423 U.S. 261 (1976). Complaint is subject to dismissal pursuant to Rule 41.

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law.

Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 33). Consequently, this action is dismissed without prejudice for failure to prosecute. IT IS SO ORDERED. Cader tons December 1, 2025 Joseph F. Anderson, Jr. Columbia, South Carolina United States District Judge