

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

**Jeffery L. Penley v. Barnwell County Department of Correction
County Jail**

Penley · No. 1:25-3295-JD-SVH · Decided December 30, 2025

SUMMARY

A United States Magistrate Judge recommends dismissing Jeffery L. Penley’s civil rights action against the Barnwell County Department of Correction County Jail for failure to prosecute. The recommendation follows Plaintiff’s failure to respond to the Defendant’s motion to dismiss or comply with subsequent court deadlines, despite warnings that the case could be dismissed.

OPINION

Penley

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jeffery L. Penley,) C/A No.: 1:25-3295-JD-SVH) Plaintiff,)) vs.)

) REPORT AND

Barnwell County Department of) RECOMMENDATION Correction County Jail,)) Defendant.)
) Plaintiff filed a complaint on April 18, 2025, and a second amended complaint on July 7, 2025, alleging violation of his constitutional rights by Barnwell County Department of Correction County Jail (“Defendant”). [ECF Nos. 1, 19]. On August 20, 2025, Defendant filed a motion to dismiss Plaintiff’s second amended complaint. [ECF No. 27]. As Plaintiff is proceeding pro se, the court entered an order pursuant to , 528 F.2d 309 (4th Cir. 1975), advising him of the importance of the motion and of the need for him to file an adequate response by September 22, 2025. [ECF No. 28]. Plaintiff was specifically advised that if he failed to respond adequately, the motion may be granted. Notwithstanding the specific warning and instructions set forth in the court’s order, Plaintiff failed to respond to Defendant’s motion. On September 26, 2025, the court ordered Plaintiff to advise by October 10, 2025, whether he wished to continue with this case. [ECF No. 31]. Plaintiff was further advised that if he failed to respond, the undersigned would recommend this case be dismissed for failure to prosecute. On October 14, 2025, Plaintiff filed a motion for an extension and the court permitted him until November 6, 2025, to file a response. [ECF Nos. 33, 35]. The court also warned Plaintiff that no further extensions would be granted. Plaintiff filed no response. As such, it appears to the court that he does not oppose the motion and wishes to abandon this case. Based on the foregoing, the undersigned recommends this case be dismissed

for failure to prosecute. See *Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b). IT IS SO RECOMMENDED. SP Ut Slalger December 30, 2025 Shiva V. Hodges Columbia, 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.’” , 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); 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 901 Richland Street Columbia, South Carolina 29201 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); , 474 U.S. 140 (1985); , 766 F.2d 841 (4th Cir. 1985); , 727 F.2d 91 (4th Cir. 1984).