

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.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Shiva V. Hodges
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	December 30, 2025
DOCKET	1:25-3295-JD-SVH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Report and recommendation on Defendant's motion to dismiss Plaintiff's second amended complaint for failure to prosecute.
STANDARD OF REVIEW	If no timely specific objection is filed to a report and recommendation, the district court need only review the recommendation for clear error on the face of the record rather than conduct de novo review.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jeffery L. Penley v. Barnwell County Department of Correction County Jail

TOPICS

- motions to dismiss
- civil procedure
- section 1983
- prisoners rights
- civil rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff's repeated failure to respond to Defendant's motion to dismiss and comply with court orders warranted dismissal of the action for failure to prosecute under Federal Rule of Civil Procedure 41(b).

HOLDINGS

1. The court recommended dismissal of the action because Plaintiff repeatedly failed to respond to Defendant's motion to dismiss or comply with orders directing him to do so, despite specific warnings and an extension of time.

KEY QUOTATIONS

“Based on the foregoing, the undersigned recommends this case be dismissed for failure to prosecute.”

FACTUAL BACKGROUND

Plaintiff alleged that Barnwell County Department of Correction County Jail violated his constitutional rights. After Defendant moved to dismiss the second amended complaint, Plaintiff failed to file a response by the court-ordered deadline. Although the court later gave Plaintiff another opportunity to respond and granted an extension, Plaintiff filed no response and was warned that no further extensions would be granted.

PROCEDURAL HISTORY

Plaintiff filed the action on April 18, 2025, and a second amended complaint on July 7, 2025. Defendant moved to dismiss on August 20, 2025. After Plaintiff failed to respond despite warnings, an additional order, and an extension of time, the magistrate judge recommended dismissal for failure to prosecute.

DISPOSITION

dismissed

CASES CITED

- Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975)
- Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978)
- Diamond v. Colonial Life & Accident Insurance 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)