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

# Christopher Jones v. Quality Asset Recovery, LLC

Jones · No. 6:25-cv-12788-TMC-KFM · Decided January 14, 2026

## SUMMARY

This Report and Recommendation addresses a pro se plaintiff's Fair Debt Collection Practices Act claims against Quality Asset Recovery, LLC concerning the attempted collection of a medical debt. The magistrate judge recommends dismissal with prejudice under 28 U.S.C. § 1915(e)(2)(B) and Federal Rule of Civil Procedure 41(b) because the amended complaint was conclusory and the plaintiff failed to file a second amended complaint as ordered.

## CASE DETAILS

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| COURT | United States District Court for the District of South Carolina, Greenville Division |
| WRITING FOR THE COURT | Kevin F. McDonald |
| JURISDICTION | United States District Court for the District of South Carolina, Greenville Division |
| DECIDED | January 14, 2026 |
| DOCKET | 6:25-cv-12788-TMC-KFM |
| DISPOSITION | other |
| PROCEDURAL POSTURE | Report and recommendation by a magistrate judge in a pro se, in forma pauperis civil action recommending dismissal of the amended complaint with prejudice for failure to state a claim and failure to comply with an order granting leave to amend. |
| STANDARD OF REVIEW | Under 28 U.S.C. § 1915(e)(2)(B), an in forma pauperis action may be dismissed if it fails to state a claim, is frivolous or malicious, or seeks monetary relief from an immune defendant. Pro se pleadings receive liberal construction, but liberal construction does not permit the court to disregard a clear failure to allege facts supporting a cognizable claim. The report also states that, absent timely objections, the district court need only satisfy itself that there is no clear error on the face of the record before accepting the recommendation. |
| PRECEDENTIAL VALUE | nonprecedential |

## TOPICS

fair debt collection · motions to dismiss · pleadings · civil procedure

## PRACTICE AREAS

consumer protection · civil procedure · fair debt collection

## QUESTIONS PRESENTED

1. Whether the amended complaint plausibly stated a claim under the Fair Debt Collection Practices Act.
2. Whether dismissal was warranted under 28 U.S.C. § 1915(e)(2)(B) because the amended complaint failed to state a claim.
3. Whether dismissal was warranted under Federal Rule of Civil Procedure 41(b) because the plaintiff failed to comply with the order allowing him to file a second amended complaint.

## HOLDINGS

1. The amended complaint failed to state a plausible FDCPA claim because it offered only vague and conclusory assertions and identified no prohibited act other than the attempted collection of a medical debt.
2. Dismissal with prejudice was recommended under Federal Rule of Civil Procedure 41(b) because the plaintiff failed to file a second amended complaint within the time ordered after being warned that failure to do so could result in dismissal.

## KEY QUOTATIONS

> *"The requirement of liberal construction does not mean that the Court can ignore a clear failure in the pleading to allege facts which set forth a claim cognizable in a federal district court."* (at 2)

> *"Further, the plaintiff has identified no improper action by the defendant other than that the debt the defendant sought to collect was a medical debt, which is not unlawful or a practice prohibited by the FDCPA."* (at 3)

> *"Therefore, in light of the plaintiff's failure to respond to this court's order regarding amendment, the undersigned recommends that the district court dismiss this action with prejudice, without further leave to amend, and without issuance and service of process."* (at 3-4)

## FACTUAL BACKGROUND

The plaintiff alleged that Quality Asset Recovery, LLC violated the Fair Debt Collection Practices Act by attempting to collect a medical debt that had been sold or assigned to the defendant without the plaintiff's authorization. He alleged that the conduct occurred between June and August 2024 and sought damages and injunctive relief. The amended complaint identified no allegedly improper conduct beyond the collection of the medical debt and contained vague and conclusory assertions.

## PROCEDURAL HISTORY

The plaintiff filed an original complaint on October 27, 2025, and an amended complaint on December 1, 2025. On December 19, 2025, the magistrate judge informed the plaintiff that the amended complaint was deficient, allowed time to file a second amended complaint, and warned that failure to correct the deficiencies would result in a recommendation of dismissal. The plaintiff did not file a second amended complaint, and the magistrate judge recommended dismissal with prejudice, without further leave to amend and without issuance and service of process.

## DISPOSITION

other

## CASES CITED

- Erickson v. Pardus, 551 U.S. 89 (2007) (per curiam)
- Weller v. Department of Social Services, 901 F.2d 387, 391 (4th Cir. 1990)
- Boosahda v. Providence Dane LLC, 462 F. App'x 331, 333 n.3 (4th Cir. 2012)
- Johnson v. BAC Home Loans Servicing, LP, 867 F. Supp. 2d 766, 776 (E.D.N.C. 2011)
- Griffith v. State Farm Fire and Casualty Co., C/A No. 2:12-cv-00239-DCN, 2012 WL 2048200, at *1 (D.S.C. June 6, 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Britt v. DeJoy, 45 F.4th 790, 2022 WL 3590436 (4th Cir. Aug. 17, 2022) (mem.) (published)
- 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)

## OPINION

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA GREENVILLE DIVISION Christopher Jones, ) C/A No. 6:25-cv-12788-TMC-KFM ) Plaintiff, ) REPORT OF MAGISTRATE JUDGE ) vs. ) ) Quality Asset Recovery, LLC; ) ) Defendant. ) ) This is a civil action filed by a pro se and in forma pauperis plaintiff. Pursuant to the provisions of 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this magistrate judge is authorized to review all pretrial matters in this case and submit findings and recommendations to the district judge.

The plaintiff’s complaint was entered on the docket on October 27, 2025 (doc. 3), and his amended complaint was entered on the docket on December 1, 2025 (doc. 13). On December 19, 2025, the undersigned issued an order informing the plaintiff that his amended complaint was subject to dismissal as drafted and providing him with time to file a second amended complaint to correct the deficiencies noted in the order (doc.

15). The plaintiff was informed that if he failed to file a second amended complaint or cure the deficiencies outlined in the order, the undersigned would recommend that the claims be dismissed (id. at 3–4). The plaintiff has failed to file a second amended complaint and the deadline has expired.

Accordingly, the undersigned recommends that the instant matter be dismissed. ALLEGATIONS This is a civil action filed by the plaintiff, seeking money damages and injunctive relief from the defendant (doc. 13). The plaintiff alleges that the defendant is violating the Fair Debt Collection Practices Act ("FDCPA") (id. at 4).

The plaintiff contends that the defendant is violating his rights because he did not authorize the sale or assignment of his medical debt to the defendant (id.). The plaintiff contends that his claims arose during June through August 2024 (id. at 5).

The plaintiff alleges that the defendant unlawfully tried to collect a medical debt (id.). For relief, the plaintiff seeks "maximum relief available under federal law" (id. at 6). STANDARD OF REVIEW The plaintiff filed this action pursuant to 28 U.S.C. § 1915, the in forma pauperis statute. This statute authorizes the District Court to dismiss a case if it is satisfied that the action "fails to state a claim on which relief may be granted," is "frivolous or malicious," or "seeks monetary relief against a Defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2)(B).

As a pro se litigant, the plaintiff's pleadings are accorded liberal construction and held to a less stringent standard than formal pleadings drafted by attorneys. See Erickson v. Pardus, 551 U.S. 89 (2007) (per curiam).

The requirement of liberal construction does not mean that the Court can ignore a clear failure in the pleading to allege facts which set forth a claim cognizable in a federal district court. See Weller v. Dep't of Soc. Servs., 901 F.2d 387, 391 (4th Cir. 1990). DISCUSSION As noted above, the plaintiff filed the instant action seeking damages from the defendant.

As addressed below, the plaintiff's amended complaint is subject to dismissal. Fair Debt Collection Practices Act Claim The plaintiff asserts in the amended complaint that the defendant violated his rights pursuant to the FDCPA by attempting to collect a medical debt (see doc. 13).

To state a claim under the FDCPA, a plaintiff must plausibly allege that (1) he was the object of collection activity arising from consumer debt as defined in the FDCPA; (2) the defendant is a debt collector as defined in the FDCPA; and (3) the defendant engaged in an act or 2 omission prohibited by the FDCPA. See e.g., Boosahda v. Providence Dane LLC, 462 F. App'x 331, 333 n.3 (4th Cir.

2012) (per curiam unpublished decision); Johnson v. BAC Home Loans Servicing, LP, 867 F. Supp. 2d 766, 776 (E.D.N.C. 2011). Here, the plaintiff's amended complaint contains nothing more than vague and conclusory assertions that his rights under the FDCPA have been violated by the defendant. See Weller, 901 F.2d at 391 (noting that “a district court is not required to recognize obscure... claims defying the most concerted efforts to unravel them” or act as an advocate for a pro se party (internal quotation marks and citation omitted)); see also Griffith v. State Farm Fire and Cas.

Co., C/A No. 2:12-cv-00239-DCN, 2012 WL 2048200, at *1 (D.S.C. June 6, 2012) (finding that the plausibility standard requires more than “‘an unadorned, the-defendant-unlawfully- harmed-me accusation.’” (quoting Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009))). Further, the plaintiff has identified no improper action by the defendant other than that the debt the defendant sought to collect was a medical debt, which is not unlawful or a practice prohibited by the FDCPA.

See Johnson, 867 F. Supp. 2d at 776 (noting conduct prohibited by the FDCPA). As such, the plaintiff’s FDCPA claim is subject to summary dismissal. RECOMMENDATION By order issued December 19, 2025, the undersigned provided the plaintiff an opportunity to correct the defects identified in his amended complaint and further warned the plaintiff that if he failed to timely file a second amended complaint or failed to cure the identified deficiencies, the undersigned would recommend to the district court that the action be dismissed with prejudice and without leave for further amendment (doc.

15). The plaintiff has failed to file a second amended complaint within the time provided. As such, in addition to the reasons discussed herein, this action should be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to comply with a court order.

Therefore, in light of the plaintiff’s failure to respond to this court’s order regarding amendment, the undersigned recommends that the district court dismiss this action with prejudice, without 3 further leave to amend, and without issuance and service of process. See Britt v. DeJoy, 45 F.4th 790, 2022 WL 3590436 (4th Cir. Aug. 17, 2022) (mem.) (published) (noting that “when a district court dismisses a complaint or all claims without providing leave to amend... the order dismissing the complaint is final and appealable”).

The attention of the parties is directed to the important notice on the following page. IT IS SO RECOMMENDED. s/Kevin F. McDonald United States Magistrate Judge January 14, 2026 Greenville, South Carolina 4 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.” Diamond v. Colonial Life & Acc.

Ins. Co., 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committees 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); see 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 250 East North Street, Room 2300 Greenville, South Carolina 29601 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); 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). 5