

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Donald A. Partaka v. Warden of Allendale Correctional Institution

Partaka · No. 2:24-cv-06409-SAL · Decided December 19, 2025

SUMMARY

The United States District Court for the District of South Carolina adopted a magistrate judge’s Report and Recommendation in a state prisoner’s habeas action under 28 U.S.C. § 2254. The court granted the respondent’s motion for summary judgment, dismissed the petition with prejudice, and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Shern A. Lydon
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	December 19, 2025
DOCKET	2:24-cv-06409-SAL
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner petitioned for habeas relief under 28 U.S.C. § 2254. After a magistrate judge recommended granting the respondent's summary-judgment motion and dismissing the petition with prejudice, the district court reviewed the unobjected-to Report and Recommendation.
STANDARD OF REVIEW	In the absence of specific 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. Specific objections would require de novo review of the challenged portions under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	Unknown; district court order
PARTIES	Donald A. Partaka v. Warden of Allendale Correctional Institution

TOPICS

federal habeas corpus

summary judgment

post-conviction relief

appellate procedure

statute of limitations

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt an unobjected-to magistrate judge's Report and Recommendation after reviewing the record for clear error.
2. Whether respondent was entitled to summary judgment and dismissal with prejudice of the § 2254 petition.
3. Whether petitioner was entitled to a certificate of appealability.

HOLDINGS

1. When no specific objections are filed, the district court may accept the magistrate judge's recommendation after satisfying itself that there is no clear error on the face of the record.
2. Respondent was entitled to summary judgment, and petitioner's § 2254 habeas petition was dismissed with prejudice.
3. A certificate of appealability was denied because petitioner failed to make a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“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.””

“a substantial showing of the denial of a constitutional right.”

FACTUAL BACKGROUND

Donald A. Partaka is a state prisoner who sought federal habeas relief under 28 U.S.C. § 2254. The magistrate judge concluded that multiple grounds supported dismissal, including the statute of limitations, and recommended granting the respondent's motion for summary judgment. Partaka did not file objections to the Report and Recommendation before the objection period expired.

PROCEDURAL HISTORY

Petitioner filed a § 2254 habeas petition. Respondent moved for summary judgment, and Magistrate Judge Mary Gordon Baker recommended granting the motion and dismissing the petition with prejudice on multiple grounds, including the statute of limitations. Petitioner filed no objections within the applicable period. The district court found no clear error, adopted the Report and Recommendation, granted summary judgment, dismissed the petition with prejudice, and denied a certificate of appealability.

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)
- Miller-El v. Cockrell, 537 U.S. 322, 336 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001)

OPINION

Partaka

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF SOUTH CAROLINA

Donald A. Partaka, #379920, C/A No. 2:24-cv-06409-SAL Petitioner, v.

ORDER

Warden of Allendale Correctional Institution, Respondent. Donald A. Partaka (“Petitioner”), a state prisoner proceeding pro se, seeks habeas relief pursuant to 28 U.S.C. § 2254. Warden of Allendale Correctional Institution (“Respondent”) filed a motion for summary judgment, ECF No. 18. This matter is now before the court on the Report and Recommendation (“Report”) by United States Magistrate Judge Mary Gordon Baker, who reviewed this case pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 37.] The magistrate judge recommends granting Respondent’s motion and dismissing the petition with prejudice. *Id.* at 25. As set forth in the twenty-five-page Report, multiple grounds, including statute of limitations, support the dismissal of Petitioner’s claims. Attached to the Report was a notice advising Petitioner of the procedures and requirements for filing objections and warning of the serious consequences of failing to do so. *Id.* at 26. As of this date, Petitioner has not filed objections, and the time for doing so has expired. 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 this court. See *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a de novo determination of only those portions of the Report to which specific objections are made, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). 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.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s

note). After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, ADOPTS the Report, ECF No. 37, and incorporates it by reference. As a result, Respondent's motion for summary judgment, ECF No. 18, is GRANTED. Petitioner's claim for habeas relief under 28 U.S.C. § 2254 is DISMISSED with prejudice. It is further ordered that a certificate of appealability is denied because Petitioner has failed to make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).! IT IS SO ORDERED. December 19, 2025 Shern A. Lydon He Columbia, South Carolina United States District Judge ' A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). A prisoner satisfies this standard by demonstrating that reasonable jurists would find both that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Rose v. Lee*, 252 F.3d 676, 683 (4th Cir. 2001). In the instant matter, the court finds that Petitioner has failed to make the required showing.