

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Thomas Carroll Cooper, III v. Director Greenville County Detention
Center

Civil Action No. 9:25-cv-13868-TMC (D.S.C. Apr. 2, 2026) · No. 9:25-cv-13868-TMC · Decided April 2, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts, as modified, a magistrate judge’s Report and Recommendation concerning a pro se pretrial detainee’s petition under 28 U.S.C. § 2241. The court dismisses the petition without prejudice and without requiring the respondent to file a return, and declines to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Timothy M. Cain
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	April 2, 2026
DOCKET	9:25-cv-13868-TMC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for habeas corpus under 28 U.S.C. § 2241; district court review of a magistrate judge's Report and Recommendation.
STANDARD OF REVIEW	In the absence of specific objections to a magistrate judge's Report and Recommendation, the district court need not conduct de novo review and need only satisfy itself that there is no clear error on the face of the record. Specific objections are required to preserve issues for review.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Thomas Carroll Cooper, III v. Director Greenville County Detention Center

TOPICS

- federal habeas corpus
- post-conviction relief
- pleadings
- civil procedure
- due process

PRACTICE AREAS

QUESTIONS PRESENTED

1. What standard of review applies when a party fails to file specific objections to a magistrate judge's Report and Recommendation?
2. Whether the Petition should be dismissed without prejudice without requiring Respondent to file a return.
3. Whether dismissal could properly rest on Petitioner's failure to bring the case into proper form when the proper-form order had been returned as undeliverable.
4. Whether a certificate of appealability should issue.

HOLDINGS

1. When a party fails to file timely and specific objections to a magistrate judge's Report and Recommendation, the district court need not conduct de novo review and need only determine whether the record contains clear error before adopting the recommendation.
2. The court would not adopt the recommendation to dismiss based on Petitioner's failure to bring the case into proper form because the proper-form order had been returned as undeliverable.
3. The Petition was dismissed without prejudice and without requiring Respondent to file a return.
4. A certificate of appealability should not issue because Petitioner failed to make a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“in 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.’”

“The magistrate judge’s recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court.”

FACTUAL BACKGROUND

Petitioner was a pretrial detainee seeking habeas relief. His filing was initially submitted under 28 U.S.C. § 2254 and was recharacterized by the magistrate judge as a petition under § 2241. A proper-form order was returned as undeliverable, and Petitioner did not file objections to the magistrate judge's Report and Recommendation.

PROCEDURAL HISTORY

Petitioner, a pro se pretrial detainee proceeding in forma pauperis, initially filed under 28 U.S.C. § 2254. The magistrate judge recharacterized the filing as a § 2241 petition and recommended dismissal without prejudice without requiring a return from Respondent. Petitioner did not file objections. The district court declined to adopt the recommendation insofar as it relied on Petitioner's failure to bring the case into proper form because

the proper-form order had been returned as undeliverable, but adopted the Report's other dismissal grounds and dismissed the Petition without prejudice.

DISPOSITION

dismissed

CASES CITED

- Wimmer v. Cook, 774 F.2d 68, 72 (4th Cir. 1985)
- Mathews v. Weber, 423 U.S. 261, 270–71 (1976)
- Farmer v. McBride, 177 Fed. App'x 327, 330–31 (4th Cir. 2006)
- Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)
- Elijah v. Dunbar, 66 F.4th 454, 460 (4th Cir. 2023)
- United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007)
- Lockert v. Faulkner, 843 F.2d 1015, 1019 (7th Cir. 1988)
- Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Greenspan v. Bros. Prop. Corp., 103 F. Supp. 3d 734, 737 (D.S.C. 2015)
- Camby v. Davis, 718 F.2d 198, 199–200 (4th Cir. 1983)
- Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017)
- Erickson v. Pardus, 551 U.S. 89, 94, 127 S. Ct. 2197, 2200, 167 L. Ed. 2d 1081 (2007)
- Stratton v. Mecklenburg Cty. Dep't of Soc. Servs., 521 Fed. App'x 278, 290 (4th Cir. 2013)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1277–78 (4th Cir. 1985)
- Miller-El v. Cockrell, 537 U.S. 322, 336 (2003)
- Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001)