

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Leroy K. Smalls v. Dennis Patterson, Curtis Early, Clayton Holbrook,
D. Williams, F. Mckie, & K. McKnight

Smalls · No. 9:24-cv-3966-SAL · Decided December 8, 2025

SUMMARY

The United States District Court for the District of South Carolina adopted a magistrate judge’s Report and Recommendation and denied Leroy K. Smalls’s motion for a preliminary injunction concerning his housing and conditions in a restrictive housing unit. The court found no clear error in the Report and noted that Plaintiff had not filed timely objections.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	December 8, 2025
DOCKET	9:24-cv-3966-SAL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se and in forma pauperis, moved for a preliminary injunction concerning his confinement in a restrictive housing unit. After the magistrate judge recommended denial, the district court reviewed the unobjected-to Report and Recommendation and denied the motion.
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 for adopting the recommendation.
PRECEDENTIAL VALUE	unpublished

TOPICS

- injunctions
- prisoners rights
- civil procedure

PRACTICE AREAS

- civil rights
- prisoners rights
- civil procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation when Plaintiff filed no objections.
2. Whether Plaintiff was entitled to a preliminary injunction concerning his confinement in restrictive housing.

HOLDINGS

1. When no specific objections are filed, the district court need only determine whether the Report and Recommendation contains clear error on the face of the record before adopting it.
2. Plaintiff's motion for a preliminary injunction was denied because he failed to make the required clear showing of a likelihood of success on the merits or a likelihood of irreparable harm absent injunctive relief.

KEY QUOTATIONS

“The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court.” (Opinion text)

“only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (Opinion text)

FACTUAL BACKGROUND

Plaintiff is a state prisoner housed in a restrictive housing unit. He sought to enjoin Defendants from continuing to house him in lock-up or to alter the conditions of his confinement in the restrictive housing unit. The magistrate judge concluded that Plaintiff had not clearly shown a likelihood of success on the merits or a likelihood of irreparable harm.

PROCEDURAL HISTORY

The matter was referred to Magistrate Judge Molly H. Cherry, who issued a Report and Recommendation recommending denial of Plaintiff's motion for a preliminary injunction. Plaintiff did not file objections by the extended deadline. The district court reviewed the Report and the record for clear error, adopted and incorporated the Report, denied the preliminary-injunction motion, and left the case referred to the magistrate judge.

DISPOSITION

other

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)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR DISTRICT OF SOUTH CAROLINA Leroy K. Smalls, C/A No. 9:24-cv-3966-SAL Plaintiff, v. ORDER Dennis Patterson, Curtis Early, Clayton Holbrook, D. Williams, F. Mckie, & K. McKnight, Defendants. This is a civil action filed by Plaintiff Leroy K. Smalls, a state prisoner who is proceeding pro se and in forma pauperis. Pending before the court is Plaintiff's motion for a preliminary injunction.

[ECF No. 62.] Specifically, Plaintiff, who is currently housed in a restrictive housing unit ("RHU"), moves this court to enjoin Defendants from continuing to house him in lock-up or to change the conditions in the RHU. This matter is currently referred to United States Magistrate Judge Molly H. Cherry. Judge Cherry issued a Report and Recommendation ("Report") in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.).

[ECF No. 95.] The Report recommends this court deny Plaintiff's motion for a preliminary injunction because he has failed to make a clear showing of a likelihood of success on the merits or that he is likely to be irreparably harmed absent the injunctive relief he seeks. *Id.* at 5–12. Attached to the Report was a notice advising Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so.

Id. at 14. Plaintiff has not filed objections, and the time for doing so has expired.¹ 1 The Report was filed on October 20, 2025, and mailed to Defendant the same day. See ECF Nos. 95, 96. Thus, his objections were originally due by November 3, 2025.

However, in a letter dated 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 that have been specifically objected to, 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 and adopts the Report, ECF No. 95, and incorporates it by reference herein.

As a result, Plaintiffs motion for a preliminary injunction is DENIED. This matter remains referred to the magistrate judge. IT IS SO ORDERED. Seare tk. December 8, 2025 Shern A. Lydon

Columbia, South Carolina United States District Judge October 29, 2025, Plaintiff indicated he had not received the Report on his motion for a preliminary injunction, and he asked about the status of that motion.

See ECF No. 101. At that time, the court remailed a copy of the Report to Plaintiff, and his objection deadline was extended to November 17, 2025. See ECF No. 102. As of this date, the court has not received any objections to the Report.

However, the court has received two separate envelopes containing Plaintiffs response in opposition to Defendants' motion for summary judgment, which remains pending and is referred to the magistrate judge. See ECF Nos. 106, 107.