

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

Travis Scott McCall v. Teal Johnson, Public Defender; Charles
Snyder, Public Defender

McCall · No. 6:26-cv-01259-JDA · Decided April 24, 2026

SUMMARY

The United States District Court for the District of South Carolina adopted the Magistrate Judge’s Report and Recommendation and denied Travis Scott McCall’s motion to proceed in forma pauperis. The court summarily dismissed the action without leave to amend or service of process because the plaintiff was subject to the three-strikes rule, the public defender defendants were not state actors, and the action was barred by Younger abstention.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Greenville Division
WRITING FOR THE COURT	Jacquelyn D. Austin
JURISDICTION	United States District Court for the District of South Carolina, Greenville Division
DECIDED	April 24, 2026
DOCKET	6:26-cv-01259-JDA
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending denial of in forma pauperis status and summary dismissal of a pro se civil-rights complaint. The plaintiff filed no objections.
STANDARD OF REVIEW	In the absence of specific objections, clear-error review of the Report and Recommendation; specific objections would require de novo review.
PRECEDENTIAL VALUE	Unpublished district court opinion; precedential status not designated in the opinion.

TOPICS

prisoners rights

section 1983

civil procedure

motions to dismiss

PRACTICE AREAS

Federal civil procedure

Prisoner civil rights

Federal courts

QUESTIONS PRESENTED

1. What standard of review applies when a party files no objections to a magistrate judge's Report and Recommendation?
2. Whether the Report and Recommendation should be accepted and plaintiff's motion to proceed in forma pauperis denied under the three-strikes rule.
3. Whether the action should be summarily dismissed based on the grounds identified in the Report and Recommendation, including lack of state action and Younger abstention.

HOLDINGS

1. When no timely objection is filed, the district court need not conduct de novo review and instead reviews the Report and Recommendation for clear error on the face of the record.
2. The court accepted the Report and Recommendation after finding no clear error, denied plaintiff's motion to proceed in forma pauperis, and summarily dismissed the action without leave to amend or issuance and service of process.

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” (416 F.3d at 315)

FACTUAL BACKGROUND

Plaintiff filed a pro se civil-rights complaint against Teal Johnson and Charles Snyder, identified as public defenders, and sought leave to proceed in forma pauperis. The magistrate judge determined that plaintiff was subject to the three-strikes rule, that the defendants were not state actors, and that the action was barred by *Younger v. Harris*. Plaintiff did not object to the Report and Recommendation.

PROCEDURAL HISTORY

Plaintiff filed a pro se complaint and a motion to proceed in forma pauperis on March 24, 2026. The matter was referred to Magistrate Judge William S. Brown, who recommended denial of in forma pauperis status and summary dismissal under the three-strikes provision, because the defendants were not state actors, and under Younger abstention. After plaintiff failed to object, the district court reviewed the Report for clear error, accepted it, denied the motion, and summarily dismissed the action without leave to amend or issuance and service of process.

DISPOSITION

dismissed

CASES CITED

- *Younger v. Harris*, 401 U.S. 37 (1971)
- *Mathews v. Weber*, 423 U.S. 261, 271 (1976)
- *Diamond v. Colonial Life & Accident Ins.*, 416 F.3d 310, 315 (4th Cir. 2005)

OPINION

Travis Scott McCall v. Teal Johnson, Public Defender; Charles Snyder, Public Defender

PER CURIAM.

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE DISTRICT OF SOUTH CAROLINA

GREENVILLE DIVISION

Travis Scott McCall,) Case No. 6:26-cv-01259-JDA) Plaintiff,))

v.) OPINION AND ORDER

) Teal Johnson, Public Defender;) Charles Snyder, Public Defender,)) Defendants.) This matter is before the Court on Plaintiff's motion to proceed in forma pauperis and a Report and Recommendation ("Report") of the Magistrate Judge. [Docs. 2; 8.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., this matter was referred to United States Magistrate Judge William S. Brown for pre-trial proceedings. Plaintiff's pro se Complaint was entered on the docket on March 24, 2026 [Doc. 1], as was a motion for leave to proceed in forma pauperis [Doc. 2]. On March 27, 2026, the Magistrate Judge issued a Report recommending that Plaintiff's motion to proceed in forma pauperis be denied and the matter be summarily dismissed because Plaintiff is subject to the three-strikes rule under 28 U.S.C. § 1915(g), Defendants are entitled to dismissal because they are not state actors, and the action is barred under *Younger v. Harris*, 401 U.S. 37 (1971). [Doc. 8 at 7–14.] The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. [Id. at 16.] Plaintiff has filed no objections and the time to do so has lapsed. 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 the Court. See *Mathews v. Weber*, 423 U.S. 261, 271 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "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” (internal quotation marks omitted)). The Court has reviewed the record in this case, the applicable law, and the Report of the Magistrate Judge for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference. Accordingly, Plaintiff’s motion for leave to proceed in forma pauperis [Doc. 2] is DENIED and this action is summarily DISMISSED without leave to amend and without issuance and service of process. IT IS SO ORDERED. s/ Jacquelyn D. Austin United States District Judge April 24, 2026 Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.