

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

John Lionel Constance, Jr., individually and as father and next friend
of L.G.C. v. South Carolina Department of Social Services, Edward
Moore, John Does 1-25

Constance v. South Carolina Department of Social Services · No. 6:26-196-BHH · Decided February 19, 2026

SUMMARY

The United States District Court for the District of South Carolina reviews a magistrate judge’s Report and Recommendation concerning Plaintiff’s motion for a temporary restraining order and preliminary injunction. Finding no clear error and agreeing that Plaintiff failed to make the required showing under *Winter v. Natural Resources Defense Council, Inc.*, the Court adopts the Report and denies the motion.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Bruce H. Hendricks
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	February 19, 2026
DOCKET	6:26-196-BHH
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for a temporary restraining order and preliminary injunction. A magistrate judge issued a Report and Recommendation recommending denial. The district court reviewed the recommendation after no objections were filed and adopted it.
STANDARD OF REVIEW	In the absence of specific objections to a magistrate judge's Report and Recommendation, the district court reviews the recommendation for clear error on the face of the record rather than conducting de novo review.
PRECEDENTIAL VALUE	Unknown

TOPICS

- injunctions
- equitable relief
- civil procedure

PRACTICE AREAS

civil procedure injunctions equitable relief family law

QUESTIONS PRESENTED

1. What standard of review applies when no party files specific objections to a magistrate judge's Report and Recommendation?
2. Whether Plaintiff demonstrated entitlement to a temporary restraining order or preliminary injunction.

HOLDINGS

1. When no specific objections are filed, the district court reviews the magistrate judge's recommendation for clear error rather than conducting a de novo review.
2. Plaintiff was not entitled to a temporary restraining order or preliminary injunction because he failed to make the requisite clear showing of the elements necessary for such relief.

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.’” (at 2)

FACTUAL BACKGROUND

Plaintiff John Lionel Constance, Jr., individually and as father and next friend of his minor child L.G.C., sought a temporary restraining order and preliminary injunction against the South Carolina Department of Social Services, Edward Moore, and John Does 1-25. The opinion does not provide substantive facts underlying the requested injunction. The court concluded that Plaintiff had not made the requisite clear showing of the elements necessary for either form of injunctive relief.

PROCEDURAL HISTORY

The matter was referred to a United States Magistrate Judge for preliminary review under 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B) (D.S.C.). The magistrate judge recommended denying Plaintiff's motion because Plaintiff had not made the clear showing required for preliminary injunctive relief. No objections were filed, so the district court reviewed the Report for clear error, found none, adopted the Report, and denied the motion.

DISPOSITION

other

CASES CITED

- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008)
- Mathews v. Weber, 423 U.S. 261 (1976)
- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310, 315 (4th Cir. 2005)

OPINION

John Lionel Constance, Jr., individually and as father and next friend of L.G.C. v. South Carolina Department of Social Services, Edward Moore, John Does 1-25

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

John Lionel Constance, Jr., individually) and as father and next friend of L.G.C.) a minor child,)
) Plaintiff,)) Civil Action No. 6:26-196-BHH v.)

) ORDER

South Carolina Department of) Social Services, Edward Moore, John) Does 1-25,)) Defendants.

) _____) This matter is before the Court upon Plaintiff's motion for a temporary restraining order ("TRO") and preliminary injunction. (ECF No. 4.) In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary review. On January 23, 2026, Magistrate Judge Kevin F. McDonald issued a Report and Recommendation ("Report") outlining the issues and recommending that the Court deny Plaintiff's motion, explaining that Plaintiff failed to make a clear showing of the elements required for the issuance of a preliminary injunction. See *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). (ECF No. 9.) Attached to the Magistrate Judge's Report was a notice advising the parties of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed. The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 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.'") (quoting Fed. R. Civ. P. 72 advisory committee's note). Here, because no objections to the Report have been filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge's analysis. As the Magistrate Judge correctly determined, Plaintiff has not made the requisite clear showing of the elements necessary for the issuance of a temporary restraining order or a preliminary injunction. Accordingly, the Court adopts the Magistrate Judge's Report (ECF No. 9); and the Court denies Plaintiff's motion for a temporary restraining order and preliminary injunction (ECF No.4). IT IS SO ORDERED.

/s/Bruce H. Hendricks United States District Judge February 19, 2026 Charleston, South Carolina
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