

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.

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 2