

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Curtis D. Richardson, a/k/a Curtis Dale Richardson, a/k/a Curtis
Richardson, #269166, a/k/a Curtis Richardson, #28507-171 v. Warden
of Tyger River Correctional Institution

Case No. 4:25-cv-11506-JD-TER · No. 4:25-cv-11506-JD-TER · Decided April 10, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts a magistrate judge’s recommendation and dismisses Curtis D. Richardson’s 28 U.S.C. § 2254 habeas petition without prejudice. The court holds that Richardson failed to exhaust state remedies because his state post-conviction relief application remained pending, overrules his objections, and denies a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Joséph Dawson, III
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	April 10, 2026
DOCKET	4:25-cv-11506-JD-TER
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. After a magistrate judge recommended summary dismissal for failure to exhaust state remedies, petitioner objected, and the district court reviewed and adopted the Report and Recommendation.
STANDARD OF REVIEW	The district court conducts a de novo determination of portions of a magistrate judge's Report and Recommendation to which specific objections are made. Objections must be specific; failure to make specific objections waives further judicial review.
PRECEDENTIAL VALUE	unpublished district court order

PARTIES

Curtis D. Richardson, a/k/a Curtis Dale Richardson, a/k/a Curtis Richardson, #269166, a/k/a Curtis Richardson, #28507-171 v. Warden of Tyger River Correctional Institution

TOPICS

federal habeas corpus

state post-conviction relief

appellate procedure

standard of review

civil procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

federal civil procedure

QUESTIONS PRESENTED

1. Whether the § 2254 petition should be dismissed because petitioner had not exhausted available state court remedies.
2. Whether petitioner's handwritten objection specifically challenged the magistrate judge's exhaustion determination.
3. Whether petitioner was entitled to a certificate of appealability.

HOLDINGS

1. A state prisoner must exhaust available state court remedies before seeking federal habeas relief, and petitioner had not satisfied that requirement because his state PCR proceeding remained pending and appellate review of the PCR decision had not occurred.
2. The objection was insufficient because it did not specifically challenge the magistrate judge's conclusion that petitioner had failed to exhaust state remedies.
3. A certificate of appealability was denied because petitioner failed to make a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“These assertions do not constitute specific objections to the Report within the meaning of 28 U.S.C. § 636(b)(1).” (Section D)

“the Petition for a writ habeas corpus under 28 U.S.C. § 2254 is DISMISSED WITHOUT PREJUDICE” (Section E)

FACTUAL BACKGROUND

Petitioner is a South Carolina state prisoner incarcerated at Tyger River Correctional Institution. He challenged a July 2024 Horry County conviction for possession of a controlled substance and sought federal habeas relief under § 2254. He did not pursue a direct appeal, and his state PCR application filed on November 7, 2024, remained pending when he filed the federal petition.

PROCEDURAL HISTORY

Petitioner challenged his July 2024 Horry County conviction and sentence through a § 2254 petition filed on August 26, 2025. He had not filed a direct appeal, and his state post-conviction-relief application, filed November 7, 2024, remained pending. The magistrate judge recommended dismissal without prejudice because the state remedies had not been exhausted. The district court overruled petitioner's objection, adopted the recommendation, dismissed the petition without prejudice, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270-71 (1976)
- United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984)
- Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Thomas v. Arn, 474 U.S. 140, 147 (1985)
- Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)

OPINION

Curtis D. Richardson, a/k/a Curtis Dale Richardson, a/k/a Curtis Richardson, #269166, a/k/a Curtis Richardson, #28507-171 v. Warden of Tyger River Correctional Institution

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Curtis D. Richardson,) Case No.: 4:25-cv-11506-JD-TER a/k/a Curtis Dale Richardson,) a/k/a
Curtis Richardson, #269166,) a/k/a Curtis Richardson, #28507-171,)) Petitioner,) ORDER AND
OPINION) vs.)) Warden of Tyger River Correctional) Institution,)) Respondent.) This matter
is before the Court on the Report and Recommendation (“Report”) of United States Magistrate
Judge Thomas E. Rogers, III (DE 7), issued pursuant to 28 U.S.C. § 636(b) and Local Civil Rule
73.02(B)(2)(c) of the District of South Carolina. The Report concerns the Magistrate Judge’s
prescreening of Petitioner Curtis D. Richardson’s (“Petitioner”) petition for a writ of habeas
corpus filed pursuant to 28 U.S.C. § 2254. (DE 1.) The Report recommends that the Petition be
summarily dismissed without prejudice and without requiring the Respondent to file an answer or
return because Petitioner has not exhausted his available state court remedies. 1 (DE 7.) 1 The
recommendation has no presumptive weight, and the responsibility for making a final
determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261,
270-71 (1976). The court is charged with making a de novo determination of those portions of the
Report and Recommendation to which 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 with instructions. 28 U.S.C. § 636(b)(1). A. Background The Report accurately outlines the

relevant facts and legal standards, which the Court incorporates herein by reference. A brief summary is provided for context. Petitioner, a state prisoner currently incarcerated at Tyger River Correctional Institution, initiated this action pursuant to 28 U.S.C. § 2254 seeking federal habeas relief related to his state court conviction and sentence. Specifically, Petitioner challenges his July 2024 conviction in Horry County for possession of a controlled substance and contends that his conviction and resulting incarceration are unlawful. (DE 1.) Petitioner did not file a direct appeal from his conviction. Instead, on November 7, 2024, Petitioner filed an application for post-conviction relief (“PCR”) in state court, which remains pending. Petitioner commenced this action on August 26, 2025, by filing the present § 2254 Petition. (DE 1.) Upon initial review, the Magistrate Judge determined that the Petition was subject to summary dismissal because Petitioner had not exhausted his available state court remedies. Under established law, state prisoners must exhaust available state remedies before seeking federal habeas relief.

B. Report and Recommendation On September 30, 2025, the Magistrate Judge issued a Report and Recommendation recommending that the Petition be summarily dismissed without prejudice and without requiring the Respondent to file an answer or return. (DE 7.) The Magistrate Judge concluded that dismissal was warranted because Petitioner failed to exhaust his available state court remedies prior to seeking federal habeas relief. The Report explains that, under 28 U.S.C. § 2254(b)(1), state prisoners must exhaust all available state court remedies before a federal court may consider a petition for habeas corpus. The Magistrate Judge noted that Petitioner filed an application for PCR in state court on November 7, 2024, and that the PCR proceeding remains pending. Because appellate review of the PCR court’s decision is necessary to demonstrate exhaustion in South Carolina, the Magistrate Judge determined that Petitioner’s federal habeas claims are unexhausted and premature at this stage. Accordingly, the Magistrate Judge recommended that the Petition be dismissed without prejudice so that Petitioner may complete the state court process before seeking federal habeas relief and reminded Petitioner to be mindful of the statute of limitations applicable to federal habeas actions.

C. Legal Standard To be actionable, objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party’s right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See *United States v. Schronce*, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). “The Supreme Court has expressly upheld the validity of such a waiver rule, explaining that ‘the filing of objections to a magistrate’s report enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties’ dispute.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing *Thomas v. Arn*, 474 U.S. 140, 147 (1985) (emphasis added)). In the absence of specific objections to the Report and Recommendation of the magistrate judge, this Court is not required to give any explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

D. Petitioner’s Objections After issuance of the Report, Petitioner filed a handwritten objection. (DE 10.) Liberally construed, the objection does not meaningfully challenge the

Magistrate Judge's finding that Petitioner failed to exhaust his available state court remedies prior to seeking federal habeas relief. Instead, Petitioner raises a series of arguments concerning his innocence, the nature of his conviction, alleged ineffective assistance of counsel, and the potential hardship caused by delays in the state PCR process. For example, Petitioner asserts that he is an "innocent man" and disputes the Magistrate Judge's description of his underlying conviction, including the characterization of the offense as possession of methamphetamine or cocaine base rather than possession of crack cocaine. Petitioner further contends that his trial counsel refused to file an appeal on his behalf and that the anticipated delay in obtaining a PCR hearing may render the state process futile. Petitioner also describes personal and financial hardships associated with his incarceration, including the potential loss of his business and residence. These assertions do not constitute specific objections to the Report within the meaning of 28 U.S.C. § 636(b)(1). Even assuming *arguendo* that Petitioner disputes the precise characterization of his conviction, such arguments concern the validity of his underlying criminal proceedings and are properly addressed through the state court process. The dispositive issue identified in the Report is whether Petitioner exhausted his available state court remedies before filing this federal habeas action. The record reflects that Petitioner has an active PCR application pending in state court, and therefore, his claims remain unexhausted. Because Petitioner's objection does not meaningfully challenge that conclusion, the objection provides no basis to reject or modify the Magistrate Judge's recommendation. Accordingly, the Court overrules Petitioner's objection. E. Conclusion Accordingly, after a thorough review of the Report and Recommendation and the entire record in this matter, the Court adopts the Report (DE 7) in its entirety and incorporates it herein by reference. It is, therefore, ORDERED that the Petition for a writ habeas corpus under 28 U.S.C. § 2254 is DISMISSED WITHOUT PREJUDICE and without requiring the Respondent to file an answer or return. Further, it is ORDERED that a certificate of appealability is denied because Petitioner has failed to make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). IT IS SO ORDERED. Joséph Dawson. III United States District Judge Florence, South Carolina April 10, 2026

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order within thirty (30) days from this date under Rules 3 and 4 of the Federal Rules of Appellate Procedure.