

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)