

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Jesse Lee Gregory #33885-132519 v. Sgt. O. Thomas, Lt. P. Hare,
Major Singulton

Gregory · No. 4:25-cv-12982-JD-TER · Decided February 18, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts a magistrate judge’s Report and Recommendation and dismisses Jesse Lee Gregory’s 42 U.S.C. § 1983 action without prejudice. The court concludes that Gregory sued the defendants only in their official capacities and sought monetary relief barred by the Eleventh Amendment, and that no specific objections to the Report were filed.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	February 18, 2026
DOCKET	4:25-cv-12982-JD-TER
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation concerning initial review of a pro se, in forma pauperis prisoner's amended § 1983 complaint. No specific objections were filed.
STANDARD OF REVIEW	In the absence of specific objections to the Report and Recommendation, the district court was required only to satisfy itself that there was no clear error on the face of the record, rather than conduct de novo review.
PRECEDENTIAL VALUE	unpublished district court order; limited precedential value

TOPICS

- eleventh amendment immunity
- section 1983
- prisoners rights
- appellate procedure
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the magistrate judge's recommendation to dismiss the amended § 1983 complaint should be adopted when Plaintiff sued the defendants only in their official capacities and sought monetary relief.
2. Whether the amended complaint stated a viable claim despite the Eleventh Amendment and the rule that state officials sued in their official capacities are not persons subject to damages under 42 U.S.C. § 1983.
3. Whether the district court was required to conduct de novo review when no specific objections to the Report and Recommendation were filed.

HOLDINGS

1. The amended complaint was subject to dismissal because the defendants were sued only in their official capacities and the requested monetary relief was barred by the Eleventh Amendment; state officials sued in their official capacities are not persons for purposes of a damages action under 42 U.S.C. § 1983 absent consent.
2. Because Plaintiff filed no specific objections, the district court was not required to conduct de novo review and instead needed only to determine whether clear error appeared on the face of the record.

KEY QUOTATIONS

“It is, therefore, ORDERED that this action is DISMISSED WITHOUT PREJUDICE and without issuance and without service of process.”

FACTUAL BACKGROUND

Plaintiff was a pretrial detainee proceeding pro se and in forma pauperis. He alleged under 42 U.S.C. § 1983 that detention officials bullied him by placing him in lockdown without disciplinary charges, confiscating his canteen and tablet, and repeatedly denying restoration of his privileges. He sued the defendants only in their official capacities and sought monetary damages and other relief unavailable against state officials in that posture.

PROCEDURAL HISTORY

Plaintiff initially filed a § 1983 complaint alleging constitutional violations arising from lockdown, confiscation of property, and denial of privileges. The magistrate judge advised that the complaint was subject to summary dismissal because Plaintiff sued the defendants only in their official capacities and sought monetary relief barred by the Eleventh Amendment, and allowed amendment. Plaintiff filed an amended complaint but did not cure the defect. The magistrate judge recommended dismissal without prejudice and without issuance or service of process. With no objections filed, the district court reviewed the record for clear error, adopted the Report and Recommendation, and dismissed the action.

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
- Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (2005)
- Thomas v. Arn, 474 U.S. 140, 147 (1985)
- Camby v. Davis, 718 F.2d 198, 199

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA
Jesse Lee Gregory #33885-132519,) Case No.: 4:25-cv-12982-JD-TER) Plaintiff,)) vs.))
ORDER Sgt. O. Thomas, Lt. P. Hare,) Major Singleton,) Defendants.)) This matter is before the
Court on the Report and Recommendation (“Report”) of United States Magistrate Judge Thomas
E. Rogers, III (DE 14), issued pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)
(D.S.C.) of the District of South Carolina, concerning the initial review of Plaintiff Jesse Lee
Gregory #33885- 132519’s (“Plaintiff”) pro se Amended Complaint (DE 10).¹ (DE 10.)

A. Background The Report sets forth the relevant facts and applicable legal standards, which the Court incorporates herein by reference. In brief, Plaintiff, a pretrial detainee proceeding pro se and in forma pauperis, brings this action under 42 U.S.C. § 1983 alleging violations of his constitutional rights. Plaintiff asserts, among other things, that Defendants Sgt.

O. Thomas, Lt. P. Hare and Major Singleton (collectively “Defendants”), bullied him by placing him in lockdown without disciplinary charges, 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). confiscating his canteen and tablet, and repeatedly denying restoration of his privileges despite setting dates for their return.

(DE 10.) Upon initial review, the Magistrate Judge issued an Order advising Plaintiff that his Complaint was subject to summary dismissal because he sued Defendants in their official capacities only and sought monetary relief, which is barred by the Eleventh Amendment. (DE 7.) Plaintiff was afforded an opportunity to amend his pleading to cure the identified deficiencies.

Plaintiff thereafter filed an Amended Complaint; however, he again sued Defendants in their official capacities only and continued to seek monetary damages and other unavailable relief. (DE 10.) B. Report and Recommendation On November 14, 2025, the Magistrate Judge issued the

Report recommending that Plaintiff's Amended Complaint be dismissed without prejudice pursuant to 28 U.S.C. §§ 1915(e) and 1915A and without issuance and service of process.

(DE 7.) As set forth in the Report, the Magistrate Judge concluded that Plaintiff again sued Defendants solely in their official capacities and sought monetary damages, relief barred by the Eleventh Amendment. The Report further explained that state officials acting in their official capacities are not "persons" within the meaning of 42 U.S.C. § 1983 and are immune from suit for monetary damages in federal court absent consent, which has not been given.

The Magistrate Judge noted that Plaintiff had previously been advised of this deficiency and afforded an opportunity to amend, but failed to cure the defect in his Amended Complaint. Accordingly, the Report recommends dismissal of the action without prejudice and without issuance and service of process. 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 (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. Absence of Objections The Report advised the parties of their right to file specific written objections within the time provided by law.

See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No objections have been filed, and the time for doing so has expired. In the absence of objections, the Court is not required to conduct a de novo review and need only satisfy itself that there is no clear error on the face of the record. Upon review, the Court finds none. E. Conclusion Accordingly, after a thorough review of the Report and Recommendation and the record in this case, the Court finds no error.

The Court, therefore, adopts the Report (DE 14) and incorporates it herein by reference. It is, therefore, ORDERED that this action is DISMISSED WITHOUT PREJUDICE and without issuance and without service of process. IT IS SO ORDERED. United States District Judge 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.

