

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

**Mario Donye Gullette v. Cynthia Hamilton, Officer Mrs. Hamilton,
Fredrick Davis, Heather Burdett, and Anthony Breedon**

Gullette · No. 0:26-746-MGL · Decided April 17, 2026

SUMMARY

The United States District Court for the District of South Carolina adopted the magistrate judge's Report and Recommendation and dismissed Mario Donye Gullette's action without prejudice and without leave for further amendment. The court noted that Gullette filed no objections to the Report and advised him of his right to appeal within thirty days.

OPINION

Gullette

PER CURIAM.

EE oR 8 'A nS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

MARIO DONYE GULLETTE, §

Plaintiff, § §

vs. § CIVIL ACTION NO. 0:26-746-MGL

§

CYNTHIA HAMILTON, OFFICER §

MRS. HAMILTON, FREDRICK §

DAVIS, HEATHER BURDETT, and §

ANTHONY BREEDON, §

Defendants. §

ORDER ADOPTING THE REPORT AND RECOMMENDATION

AND DISMISSING THIS MATTER WITHOUT PREJUDICE

AND WITHOUT LEAVE FOR FURTHER AMENDMENT

Plaintiff Mario Donye Gullette, who is self represented, filed this lawsuit against Defendants Cynthia Hamilton, Officer Mrs. Hamilton, Fredrick Davis, Heather Burdett, and Anthony Breedon. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending to the Court this matter be summarily dismissed without leave for further amendment. The Report was made pursuant to 28 U.S.C. § 636

and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). The Magistrate Judge filed the Report on March 26, 2026, but Gullette failed to file any objections to the Report. “[I]n 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 . . . to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985). After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. It is therefore the judgment of the Court this matter is DISMISSED WITHOUT PREJUDICE and without leave for further amendment. IT IS SO ORDERED. Signed this 17th day of April, 2026, in Columbia, South Carolina. /s/ Mary Geiger Lewis

MARY GEIGER LEWIS

UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Gullette is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.