

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH  
CAROLINA, CHARLESTON DIVISION

Isaiah Harris v. Joshua Scarborough

Harris · No. 2:25-8280-RMG · Decided April 19, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts the Magistrate Judge’s Report and Recommendation and dismisses Isaiah Harris’s pro se § 1983 action with prejudice for failure to prosecute. The court finds that Harris failed to respond to the defendant’s motion to dismiss and did not timely object to the Report and Recommendation.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                              |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of South Carolina, Charleston Division                                                                                                                                                                                         |
| WRITING FOR THE COURT | Richard Mark Gergel                                                                                                                                                                                                                                                          |
| JURISDICTION          | United States District Court for the District of South Carolina, Charleston Division                                                                                                                                                                                         |
| DECIDED               | April 19, 2026                                                                                                                                                                                                                                                               |
| DOCKET                | 2:25-8280-RMG                                                                                                                                                                                                                                                                |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | The district court reviewed a magistrate judge's report and recommendation recommending dismissal with prejudice for failure to prosecute after Plaintiff failed to respond to Defendant's motion to dismiss and failed to object to the R&R.                                |
| STANDARD OF REVIEW    | When no specific, timely objections are filed to a magistrate judge's report and recommendation, the district court need only review the record for clear error before accepting the recommendation. Specific objections receive de novo review under 28 U.S.C. § 636(b)(1). |
| PRECEDENTIAL VALUE    | unpublished district court order                                                                                                                                                                                                                                             |
| PARTIES               | Isaiah Harris v. Joshua Scarborough                                                                                                                                                                                                                                          |

TOPICS

- motions to dismiss
- civil procedure
- section 1983
- civil rights

## PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

## QUESTIONS PRESENTED

1. What standard of review applies when a party fails to file timely, specific objections to a magistrate judge's report and recommendation?
2. Whether the magistrate judge's recommendation to dismiss the action with prejudice for failure to prosecute should be adopted.

## HOLDINGS

1. When a party fails to file timely, specific objections to a magistrate judge's report and recommendation, the district court need not conduct de novo review and instead must satisfy itself that there is no clear error on the face of the record before accepting the recommendation.
2. Dismissal with prejudice was warranted because Plaintiff failed to respond to the motion to dismiss and failed to object to the report and recommendation, demonstrating an intent not to prosecute the action.

## KEY QUOTATIONS

*"Where the petitioner fails to timely file any specific objections, "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.""* (1)

*"For the foregoing reasons, the R&R is ADOPTED (Dkt. No. 43) as the Order of the Court. This action is DISMISSED WITH PREJUDICE."* (2)

## FACTUAL BACKGROUND

Plaintiff Isaiah Harris, proceeding pro se, alleged that Defendant Joshua Scarborough, a Summerville, South Carolina police officer, arrested him for trafficking in fentanyl even though he possessed only marijuana. Harris failed to respond to Defendant's motion to dismiss. He also failed to file timely objections to the magistrate judge's recommendation that the action be dismissed with prejudice for failure to prosecute.

## PROCEDURAL HISTORY

Plaintiff brought a pro se action under 42 U.S.C. § 1983 concerning his arrest for alleged fentanyl trafficking. Defendant moved to dismiss. Plaintiff did not respond to the motion or file timely objections to the magistrate judge's recommendation that the action be dismissed with prejudice for failure to prosecute. The district court adopted the R&R and dismissed the action with prejudice.

## DISPOSITION

dismissed

## CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270-71 (1976)
- Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Cruz v. Beto, 405 U.S. 319, 322 (1972)
- Haines v. Kerner, 404 U.S. 519, 520-21 (1972)
- Weller v. Department of Social Services, 901 F.2d 387, 391 (4th Cir. 1990)

## OPINION

Harris

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Isaiah Harris Case No. 2:25-8280-RMG Plaintiff, v.

ORDER

Joshua Scarborough, Defendants. This matter, brought pro se, is before the Court upon the Report and Recommendation (“R&R”) of the Magistrate Judge (Dkt. No. 43), recommending that the Court dismiss this action with prejudice for failure to prosecute. This order followed Plaintiff’s failure to respond to Defendant’s motion to dismiss. Plaintiff was given notice that a party had 14 days from the date of the R&R to file any objection and a failure to file a timely objection would result in limited, clear error review and waiver of the right to appeal the district court’s order. (Id. at 3). No timely objection was filed. I. Legal Standard A. Magistrate’s Report and Recommendation The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). This Court is charged with making a de novo determination of those portions of the R&R to which specific objections are made. See 28 U.S.C. § 636(b)(1). Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” Id. Where the petitioner fails to timely file any specific objections, “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.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (citation and punctuation omitted). B. Pro Se Pleadings This Court liberally construes complaints filed by pro se litigants to allow the development of a potentially meritorious case. See Cruz v. Beto, 405 U.S. 319, 322 (1972); Haines v. Kerner, 404 U.S. 519, 520-21 (1972). The requirement of liberal construction does not mean that the Court can ignore a clear failure in the pleadings to allege facts which set forth a viable federal claim, nor can the Court assume the existence of a genuine issue of material fact where none exists. See Weller v. Dep’t of Soc. Servs., 901 F.2d 387, 391 (4th Cir. 1990) (citation omitted). II. Discussion Plaintiff asserted a § 1983 claim asserting that the Defendant, a

Summerville, South Carolina police officer, arrested him for trafficking in fentanyl when he was only in possession of marijuana. (Dkt. No. 1 at 2). As mentioned previously, Plaintiff filed no response to Defendant's motion to dismiss or to the R & R. The Magistrate Judge correctly concluded that Plaintiff's failure to respond to the motion to dismiss reflected an intent not to prosecute this case. This conclusion was reinforced by Plaintiff's failure to file objections to the R & R. Conclusion For the foregoing reasons, the R&R is ADOPTED (Dkt. No. 43) as the Order of the Court. This action is DISMISSED WITH PREJUDICE. AND IT IS SO ORDERED. 2 s/ Richard Mark Gergel Richard Mark Gergel United States District Judge April 19, 2026 Charleston, South Carolina 3