

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Lawrence Terry v. Andreka Watlington; Suzanne H. Hawkins;
Hawkins Law, LLC; Christina Perry; Hon. T. Frierson-Smith; Gray
Collegiate Academy; John/Jane Doe Gray Employees 1-5; John/Jane
Doe Court Officials 6-10

Terry · No. 3:25-cv-13234-JFA-PJG · Decided January 20, 2026

SUMMARY

The United States District Court for the District of South Carolina declines to adopt the Magistrate Judge’s recommendation to dismiss Lawrence Terry’s civil-rights action for failure to prosecute and failure to comply with a court order. Because Terry submitted documents after the Report and Recommendation and is proceeding pro se, the court finds dismissal premature and recommits the matter to the Magistrate Judge for further proceedings.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Joseph F. Anderson, Jr.
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	January 20, 2026
DOCKET	3:25-cv-13234-JFA-PJG
DISPOSITION	remanded
PROCEDURAL POSTURE	Pro se civil-rights action referred to a magistrate judge for initial review. The magistrate judge recommended summary dismissal for failure to comply with an order and failure to prosecute. The district court reviewed the Report and Recommendation and declined to adopt it.
STANDARD OF REVIEW	De novo review of portions of a magistrate judge's Report and Recommendation to which specific objections are made; clear-error review of unobjected-to portions, including portions subject only to general or conclusory objections.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

civil procedure service of process injunctions

PRACTICE AREAS

civil procedure civil rights pro se litigation

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's recommendation to dismiss the action for failure to comply with a court order and failure to prosecute.
2. Whether Plaintiff's later filings rendered dismissal premature.

HOLDINGS

1. Dismissal was premature because Plaintiff's later filings demonstrated an attempt and desire to comply with the court's proper-form requirements and to pursue his claims.
2. The district court declined to adopt the Report and recommitted the matter to the magistrate judge for further proceedings.

KEY QUOTATIONS

"Mindful of Plaintiff's pro se status, the court finds dismissal for failure to prosecute or comply with the court's order premature at this time." (Conclusion)

"Accordingly, dismissal is premature at this time. This matter is therefore recommitted back to the Magistrate Judge for further proceedings." (Conclusion)

FACTUAL BACKGROUND

Lawrence Terry, proceeding pro se, brought a civil-rights action against multiple defendants. The magistrate judge directed Terry to submit documents required to bring the action into proper form, including summonses, USM-285 forms, and answers to Local Civil Rule 26.01 interrogatories. Although Terry did not comply within the original deadline, he later filed proposed summonses and interrogatory answers after the magistrate judge issued a recommendation of dismissal.

PROCEDURAL HISTORY

The magistrate judge ordered Plaintiff to provide summons forms, completed USM-285 forms, and answers to Local Civil Rule 26.01 interrogatories. Plaintiff initially failed to comply, prompting a Report and Recommendation recommending dismissal. After the Report issued, Plaintiff filed proposed summonses and interrogatory answers. The district court declined to dismiss the action at that time and recommitted the matter to the magistrate judge for further proceedings.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The matter was recommitted to the magistrate judge for further proceedings. The recommendation that Plaintiff's motion for a temporary restraining order be denied was also declined, leaving that motion pending.

CASES CITED

- *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992)
- *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983)
- *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005)
- *Dunlap v. TM Trucking of the Carolinas, LLC*, No. 0:15-cv-04009-JMC, 2017 WL 6345402, at *5 n.6 (D.S.C. Dec. 12, 2017)
- *One Parcel of Real Prop. Known as 2121 E. 30th St.*, 73 F.3d 1057, 1059 (10th Cir. 1996)
- *Workman v. Perry*, No. 6:17-cv-00765-RBH, 2017 WL 4791150, at *1 (D.S.C. Oct. 23, 2017)
- *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982)
- *Staley v. Norton*, No. 9:07-0288-PMD, 2007 WL 821181, at *1 (D.S.C. Mar. 2, 2007)
- *Howard v. Secretary of Health & Human Services*, 932 F.2d 505, 509 (6th Cir. 1991)