

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

Travis Scott McCall v. Isaac McKenzie, Deputy; Juan Olalde,
Deputy; Unknown Officer, Deputy

McCall v. McKenzie · No. 6:25-cv-13952-JDA · Decided January 28, 2026

SUMMARY

The United States District Court for the District of South Carolina adopted the magistrate judge’s Report and Recommendation after reviewing it for clear error because no objections were filed. The court summarily dismissed Travis Scott McCall’s action without prejudice, without leave to amend, and without issuance or service of process.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Greenville Division
WRITING FOR THE COURT	Jacquelyn D. Austin
JURISDICTION	United States District Court for the District of South Carolina, Greenville Division
DECIDED	January 28, 2026
DOCKET	6:25-cv-13952-JDA
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se prisoner civil-rights action referred to a magistrate judge for pretrial proceedings. The magistrate judge recommended summary dismissal without issuance and service of process and without leave to amend. The district court reviewed the unobjected-to Report and Recommendation for clear error and adopted it.
STANDARD OF REVIEW	In the absence of specific objections to the Report and Recommendation, clear-error review; specific objections would require de novo review under 28 U.S.C. § 636(b).
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Travis Scott McCall v. Isaac McKenzie, Deputy, Juan Olalde, Deputy, Unknown Officer, Deputy

TOPICS

prisoners rights section 1983 civil rights civil procedure

PRACTICE AREAS

prisoner civil rights federal civil procedure magistrate judge recommendations

QUESTIONS PRESENTED

1. Whether the district court should review the unobjected-to Report and Recommendation for clear error rather than conduct de novo review.
2. Whether the Report and Recommendation should be accepted and the action dismissed without prejudice, without leave to amend, and without issuance and service of process.

HOLDINGS

1. When no timely objection is filed, the district court need not conduct de novo review and may review the Report and Recommendation for clear error on the face of the record.
2. The court accepted the magistrate judge's Report and Recommendation and summarily dismissed the action without prejudice, without leave to amend, and without issuance and service of process.

KEY QUOTATIONS

“in 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 in order to accept the recommendation”

FACTUAL BACKGROUND

Plaintiff Travis Scott McCall, proceeding pro se, filed a prisoner civil-rights complaint against three law-enforcement defendants. The magistrate judge recommended summary dismissal without issuance and service of process and without leave to amend. Plaintiff did not file objections to the recommendation.

PROCEDURAL HISTORY

The Clerk docketed Plaintiff's pro se Complaint on December 22, 2025. On December 31, 2025, Magistrate Judge William S. Brown recommended that the action be summarily dismissed without prejudice, without issuance and service of process, and without leave to amend. Plaintiff filed no objections, and the district court accepted the Report and Recommendation and dismissed the action.

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)

OPINION

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA GREENVILLE DIVISION Travis Scott McCall,) Case No. 6:25-cv-13952-JDA) Plaintiff,)) v.) OPINION AND ORDER) Isaac McKenzie, Deputy; Juan) Olalde, Deputy; Unknown Officer,) Deputy,)) Defendants.) This matter is before the Court on a Report and Recommendation (“Report”) of the Magistrate Judge.

[Doc. 9.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., this matter was referred to United States Magistrate Judge William S. Brown for pre-trial proceedings. The Clerk docketed Plaintiff’s pro se Complaint on December 22, 2025. [Doc. 1.]

On December 31, 2025, the Magistrate Judge issued a Report recommending that the case be summarily dismissed without issuance and service of process and without leave to amend. [Doc. 9.] The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. [Id. at 15.]

Plaintiff has filed no objections and the time to do so has lapsed. The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976).

The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a 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 to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b).

The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in 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 in order to accept the recommendation” (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report of the Magistrate Judge for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference.

Accordingly, this action is summarily DISMISSED without prejudice, without leave to amend, and without issuance and service of process. IT IS SO ORDERED. s/ Jacquelyn D. Austin United States District Judge January 28, 2026 Greenville, South Carolina NOTICE OF RIGHT TO

APPEAL The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-district-of-south-carol/2026/travis-scott-mccall-v-isaac-mckenzie-deputy-juan-olalde-decj0pn4>