

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

John Shapiro v. Joy Campanelli

Shapiro · No. 2:25-13861-RMG · Decided March 17, 2026

SUMMARY

The United States District Court for the District of South Carolina adopted the Magistrate Judge's Report and Recommendation and dismissed John Shapiro's action against Joy Campanelli without prejudice, without leave to amend, and without issuance or service of process. The dismissal was based on lack of venue, failure to state a claim, and failure to comply with the Court's proper-form order; no objections were filed.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Richard Mark Gergel
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	March 17, 2026
DOCKET	2:25-13861-RMG
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation recommending summary dismissal without prejudice, without leave to amend, and without issuance and service of process. The plaintiff filed no objections.
STANDARD OF REVIEW	Because Plaintiff filed no specific objections to the report and recommendation, the district court applied clear-error review and adopted the recommendation.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	John Shapiro v. Joy Campanelli

TOPICS

venue pleadings civil procedure fourteenth amendment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's report and recommendation when Plaintiff filed no objections.
2. Whether the action should be dismissed without prejudice for lack of venue, failure to state a claim upon which relief could be granted, and failure to comply with the proper-form order.

HOLDINGS

1. When no specific objections are filed, the district court may review the report and recommendation for clear error and adopt it as the order of the court.
2. The action was properly summarily dismissed without prejudice, without leave to amend, and without issuance or service of process because the complaint lacked allegations establishing venue, failed to state a viable claim, and Plaintiff failed to comply with the proper-form order.

KEY QUOTATIONS

"DISMISSES this action without prejudice, without leave to amend, and without issuance or service of process." (3)

FACTUAL BACKGROUND

Plaintiff's complaint contained a single conclusory allegation that Defendant conspired with others in violation of Fourteenth Amendment rights. The complaint did not state Plaintiff's or Defendant's residence and alleged no facts supporting the claimed conspiracy. After the magistrate judge ordered Plaintiff to bring the case into proper form, Plaintiff failed to respond.

PROCEDURAL HISTORY

Plaintiff filed a pro se complaint alleging only that, on information and belief, Defendant conspired with others in violation of Fourteenth Amendment rights. The magistrate judge ordered Plaintiff to bring the case into proper form and warned that noncompliance could result in dismissal; Plaintiff filed nothing in response. The magistrate judge recommended dismissal for lack of venue, failure to state a claim, and failure to bring the case into proper form. The district court conducted clear-error review because no objections were filed, adopted the R&R, and dismissed the action without prejudice and without leave to amend or issuance and service of process.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270-71 (1976)
- Cruz v. Beto, 405 U.S. 319 (1972)

- Haines v. Kerner, 404 U.S. 519 (1972)
- Weller v. Dep't of Social Services, 901 F.2d 387 (4th Cir. 1990)

OPINION

IN THE UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA John Shapiro, Case No. 2:25-13861-RMG Plaintiff, v. ORDER Joy Campanelli, Defendant. This matter is before the Court on the Report and Recommendation (“R&R”) of the Magistrate Judge (Dkt. No. 9) recommending that this action be summarily dismissed without prejudice, without leave to amend, and without issuance and service of process.

Plaintiff was advised that he had 14 days to file written objections to the R & R and a failure to file objections would result in clear error review and waiver of the right to appeal the district court’s order. (Id. at 7). Plaintiff filed no objections to the R & R. For the reasons stated below, the Court adopts the R&R as the order of the Court.

I. Background Plaintiff brought this action with the single allegation that “[u]pon information and belief, Defendant conspired with others, which violated Fourteenth Amendment Rights.” (Dkt. No. 1). There was no statement of the residences of Plaintiff¹ or Defendant or any factual allegations to support Plaintiff’s allegation of conspiracy against Defendant.

The matter was referred to the 1 Plaintiff provided no allegation regarding his own state of residence. The Clerk noted that Plaintiff submitted the complaint in an envelope that had an Alaska return address. (Dkt. No. 1- 1). 1 Magistrate Judge for pretrial handling.

The Magistrate Judge directed the Plaintiff to bring the case into proper form and warned him that a failure to comply with the Court’s order could lead to dismissal of the action. (Dkt. No. 4). Plaintiff did not file anything in response to the Magistrate Judge’s Proper Form Order.

The Magistrate Judge issued a R & R recommending that this action be summarily dismissed for lack of venue, failure to state a claim upon which relief could be granted, and failure to bring the case into proper form.

As previously stated, Plaintiff filed no objections to the R & R. II. Legal Standards 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. Mathews v. Weber, 423 U.S. 261, 270-71 (1976).

The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). 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 (1972); *Haines v. Kerner*, 404 U.S. 519 (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 Social Services*, 901 F.2d 387 (4th Cir.

1990). III. Discussion The Court finds that the Magistrate Judge ably addressed the factual and legal issues in this matter and correctly concluded that this action should be summarily dismissed without prejudice, without leave to amend, and without issuance or service of process. Conclusion For the reasons set forth above, the Court ADOPTS the R&R (Dkt. No. 9) as the order of the Court and DISMISSES this action without prejudice, without leave to amend, and without issuance or service of process.

AND IT IS SO ORDERED. s/ Richard Mark Gergel Richard Mark Gergel United States District Judge March 17, 2026 Charleston, South Carolina 3