

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Ron S. McCray v. Joel Anderson, Elisabeth Holcomb, Dr. McRee,
and Dr. Ringold

No. 8:25-cv-11451 (D.S.C. Mar. 13, 2026) · No. 8:25-cv-11451 · Decided March 13, 2026

SUMMARY

This Report and Recommendation addresses Plaintiff Ron S. McCray’s Third Motion for Default Judgment in a 42 U.S.C. § 1983 action against South Carolina correctional officials and medical personnel. The magistrate judge recommends denying the motion because no clerk’s entry of default had been obtained, the served defendants timely answered, and Defendant Holcomb had not yet been served.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	William S. Brown
JURISDICTION	United States District Court for the District of South Carolina, Anderson/Greenwood Division
DECIDED	March 13, 2026
DOCKET	8:25-cv-11451
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's Third Motion for Default Judgment
PRECEDENTIAL VALUE	unpublished
PARTIES	Ron S. McCray v. Joel Anderson, Elisabeth Holcomb, Dr. McRee, Dr. Ringold

TOPICS

- default judgment
- default
- service of process
- civil procedure
- section 1983

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether default judgment should be entered against Defendants Anderson, McRee, and Ringold who filed timely Answers.
2. Whether default judgment should be entered against Defendant Holcomb who has not been served.

HOLDINGS

1. Default judgment is improper because the served Defendants filed timely Answers to the Amended Complaint, and no Defendant is in default.
2. Default judgment cannot be entered against a defendant who has not been served.
3. Entry of default by the Clerk is a procedural prerequisite to a motion for default judgment.

KEY QUOTATIONS

“procedurally default judgment is improper because as a condition precedent entry of default should be entered by the clerk on application by the plaintiff and this has not been done”

“It is Plaintiff’s responsibility—and not the Court’s nor Defendants’ obligation—to properly identify the Defendants so that service can be properly accomplished.”

FACTUAL BACKGROUND

Plaintiff, an inmate proceeding pro se, brought a 42 U.S.C. § 1983 action against prison officials. Service was executed on three defendants who timely answered after extensions. Service on Defendant Holcomb was returned unexecuted, and counsel for the other defendants believed Holcomb and Defendant Ringold were the same person. Plaintiff filed a third motion for default judgment against all defendants.

PROCEDURAL HISTORY

Plaintiff filed a Third Motion for Default Judgment. The Magistrate Judge issued a Report and Recommendation recommending denial, noting that the served Defendants had timely answered, service on Defendant Holcomb remained unexecuted, and the Clerk had not entered default.

DISPOSITION

other

CASES CITED

- Broadbent v. Mitchell, C/A No. 0:09-cv-1616-CMC-PJG, 2009 WL 3698131 (D.S.C. Nov. 3, 2009)
- Hudson v. State of N.C., 158 F.R.D. 78 (E.D.N.C. 1994)
- Traber v. Mortg. Elec. Registration Sys., Inc., 2012 WL 3039714 (W.D.N.C. July 25, 2012)
- Randolph v. S. Cent. Reg'l Jail, 2021 WL 4530065 (S.D.W. Va. Sept. 10, 2021)
- Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310 (4th Cir. 2005)
- Thomas v. Arn, 474 U.S. 140 (1985)
- Wright v. Collins, 766 F.2d 841 (4th Cir. 1985)

- United States v. Schronce, 727 F.2d 91 (4th Cir. 1984)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-district-of-south-carol/2026/ron-s-mccray-v-joel-anderson-elisabeth-holcomb-dr-mcree-and-ev2c9x80>