

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA, ANDERSON/GREENWOOD DIVISION

James Morton, Jr. v. CSX Transportation, Inc.

Morton · No. 8:26-cv-00907-TMC · Decided April 8, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts a magistrate judge’s Report and Recommendation and grants CSX Transportation, Inc.’s partial motion to dismiss. The court dismisses with prejudice the plaintiff’s claims concerning alleged miscalculation of Family and Medical Leave Act leave and the use of FMLA leave in determining Good Attendance Credit eligibility for lack of prosecution. The plaintiff’s FMLA unlawful termination claim remains pending.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Anderson/Greenwood Division
WRITING FOR THE COURT	Timothy M. Cain
JURISDICTION	United States District Court for the District of South Carolina, Anderson/Greenwood Division
DECIDED	April 8, 2026
DOCKET	8:26-cv-00907-TMC
DISPOSITION	other
PROCEDURAL POSTURE	After transfer from the United States District Court for the Southern District of Georgia, the district court reviewed a magistrate judge's Report and Recommendation addressing Defendant's pending Partial Motion to Dismiss. No objections were filed, and the court adopted the recommendation, granted the motion, and dismissed two claims with prejudice for lack of prosecution.
STANDARD OF REVIEW	In the absence of specific objections to the magistrate judge’s Report and Recommendation, the district court reviews the record for clear error rather than conducting de novo review. General and conclusory objections do not trigger de novo review.
PRECEDENTIAL VALUE	Unpublished, nonprecedential federal district court order; precedential status is not identified in the source.

TOPICS

motions to dismiss

family and medical leave act

employment law

civil procedure

PRACTICE AREAS

civil procedure

employment law

family and medical leave act

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation in the absence of specific objections.
2. Whether Plaintiff's FMLA miscalculation and attendance-policy claims should be dismissed with prejudice for lack of prosecution under Federal Rule of Civil Procedure 41(b).

HOLDINGS

1. When no timely specific objections are filed to a magistrate judge's Report and Recommendation, the district court need only satisfy itself that there is no clear error on the face of the record before accepting the recommendation.
2. Plaintiff's FMLA miscalculation claim and attendance-policy claim were properly dismissed with prejudice for lack of prosecution under Federal Rule of Civil Procedure 41(b).

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.'"

"Plaintiff's unlawful termination claim under the FMLA remains pending."

FACTUAL BACKGROUND

Plaintiff alleged that CSX miscalculated the amount of FMLA leave he had used, improperly used FMLA leave to disqualify employees from a Good Attendance Credit, and unlawfully terminated him. CSX filed a Partial Motion to Dismiss the miscalculation and attendance-policy claims. Plaintiff, though represented by counsel, never responded to the motion.

PROCEDURAL HISTORY

The Southern District of Georgia granted Plaintiff's motion to change venue and transferred the action to the District of South Carolina. Before transfer, CSX filed a Partial Motion to Dismiss Plaintiff's FMLA miscalculation and attendance-policy claims, but Plaintiff never responded. The magistrate judge recommended dismissal with prejudice for lack of prosecution under Federal Rule of Civil Procedure 41(b); after finding no clear error and no timely specific objections, the district court adopted the recommendation and dismissed those claims while leaving the unlawful-termination claim pending.

DISPOSITION

other

CASES CITED

- Chandler Leasing Corp. v. Lopez, 669 F.2d 919, 920 (4th Cir. 1982)
- Wimmer v. Cook, 774 F.2d 68, 72 (4th Cir. 1985)
- Mathews v. Weber, 423 U.S. 261, 270–71 (1976)
- Farmer v. McBride, 177 Fed. App'x 327, 330–31 (4th Cir. Apr. 26, 2006)
- Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)
- Elijah v. Dunbar, 66 F.4th 454, 460 (4th Cir. 2023)
- United States v. Midgett, 478 F.3d 616, 622 (4th Cir. 2007)
- Lockert v. Faulkner, 843 F.2d 1015, 1019 (7th Cir. 1988)
- Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Greenspan v. Bros. Prop. Corp., 103 F. Supp. 3d 734, 737 (D.S.C. 2015)
- Camby v. Davis, 718 F.2d 198, 199–200 (4th Cir. 1983)
- Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017)

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