

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PRECEDENTIAL VALUE	Unpublished, nonprecedential federal district court order; precedential status is not identified in the source.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

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)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION James Morton, Jr.,)) Plaintiff,)) vs.) Civil Action No.
8:26-cv-00907-TMC) ORDER CSX Transportation, Inc.,)) Defendants.)
_____) On February 5, 2026, the United States District Court
for the Southern District of Georgia granted Plaintiff's motion to change venue and transferred
Plaintiff's case to this district.

(ECF No. 181.) In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was automatically referred to a magistrate judge for all pretrial proceedings. Plaintiff's action alleges: (1) that Defendant miscalculated the amount of leave Plaintiff had used under the Family and Medical Leave Act ("FMLA"); (2) that Defendant's attendance policy violates the FMLA by using FMLA leave as a basis to disqualify employees from receiving a Good Attendance Credit; and (3) that Plaintiff's termination was unlawful.

(ECF No. 172). Several months prior to the transfer of venue, Defendant filed a Partial Motion to Dismiss seeking to dismiss Plaintiff's miscalculation claim and his attendance policy claims. (ECF Nos. 175 and 175-1).

In transferring this action, the District Court for the Southern District of Georgia found that it would be more appropriate for the transferee court to address the pending Partial Motion to Dismiss. Plaintiff has never responded to Defendant's Partial Motion to Dismiss. Now before the Court is the magistrate judge's Report and Recommendation ("Report") recommending that

Plaintiff's miscalculation claim and attendance policy claim be dismissed with prejudice for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir.

1982). (ECF No. 185). Plaintiff, who is represented by counsel, was advised of the right to file objections to the Report and of the potential consequences of failing to do so in a timely manner. (ECF No. 185 at 3).

The magistrate judge's recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. *Wimmer v. Cook*, 774 F.2d 68, 72 (4th Cir. 1985) (quoting *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976)). Nevertheless, "[t]he district court is only required to review de novo those portions of the report to which specific objections have been made, and need not conduct de novo review 'when a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate judge's proposed findings and recommendations.'" *Farmer v. McBride*, 177 Fed.

App'x 327, 330–31 (4th Cir. April 26, 2006) (quoting *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982)); see also *Elijah v. Dunbar*, 66 F.4th 454, 460 (4th Cir. 2023) (noting "an objecting party 'must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection'" and "'an objection stating only 'I object' preserves no issue for review'" (quoting *United States v. Midgette*, 478 F.3d 616, 622 (4th Cir.

2007); *Lockert v. Faulkner*, 843 F.2d 1015, 1019 (7th Cir. 1988))). Thus, "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.'" *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir.

2005) (quoting Fed. R. Civ. P. 72 Advisory Committee's note). The Court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

However, in the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Greenspan v. Bros. Prop. Corp.*, 103 F. Supp. 3d 734, 737 (D.S.C. 2015) (citing *Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983)). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal the district court's judgment based upon that recommendation.

See *Elijah*, 66 F.4th at 460 (quoting *Lockert*, 843 F.2d at 1019); *Martin v. Duffy*, 858 F.3d 239, 245 (4th Cir. 2017). Having carefully reviewed the Report and the record, the Court finds no clear error and perceives no basis for deviating from the recommendation of the magistrate judge.

Accordingly, the Court ADOPTS the Report (ECF No. 185) and incorporates it herein. Defendant's Partial Motion to Dismiss is GRANTED. (ECF No. 175). Plaintiff's miscalculation claim and attendance policy claim are DISMISSED. Plaintiff's unlawful termination claim under the FMLA remains pending. IT IS SO ORDERED. s/Timothy M. Cain Chief United States District Judge Anderson, South Carolina April 8, 2026 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.