

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

Latroy Brown v. Deloris King, SCDC; Director Bryan Stirling,
SCDC; Warden Kenneth Sharp, SCDC

Brown v. King · No. 9:25-cv-02687-JDA · Decided February 17, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts the Magistrate Judge’s Report and Recommendation and summarily dismisses Latroy Brown’s action without prejudice, without leave to amend, and without issuance and service of process. The court finds no clear error after Plaintiff failed to file objections to the Report.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Beaufort Division
WRITING FOR THE COURT	Jacquelyn D. Austin
JURISDICTION	United States District Court for the District of South Carolina, Beaufort Division
DECIDED	February 17, 2026
DOCKET	9:25-cv-02687-JDA
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. Plaintiff filed no objections.
STANDARD OF REVIEW	In the absence of a timely objection, the district court reviews the magistrate judge's Report and Recommendation for clear error on the face of the record; specific objections receive de novo review.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Latroy Brown v. Deloris King, SCDC, Director Bryan Stirling, SCDC, Warden Kenneth Sharp, SCDC

TOPICS

civil procedure

pleadings

section 1983

prisoners rights

PRACTICE AREAS

civil rights

civil procedure

prisoner litigation

QUESTIONS PRESENTED

1. What standard of review applies when a party fails to object to a magistrate judge's Report and Recommendation?
2. Whether the magistrate judge's recommendation to summarily dismiss the action without prejudice, without leave to amend, and without issuance and service of process should be accepted.

HOLDINGS

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

KEY QUOTATIONS

"The Court will review the Report only for clear error in the absence of an objection." (Opinion and Order)

"Accordingly, the action is summarily DISMISSED without prejudice, without leave to amend, and without issuance and service of process." (Opinion and Order)

FACTUAL BACKGROUND

Plaintiff Latroy Brown brought an action against South Carolina Department of Corrections officials. The magistrate judge concluded that Plaintiff failed to state a claim for relief or bring the case into proper form and recommended summary dismissal without prejudice, without leave to amend, and without issuance and service of process. Plaintiff did not file objections or otherwise respond.

PROCEDURAL HISTORY

The matter was referred to United States Magistrate Judge Molly H. Cherry for pretrial proceedings under 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C. The magistrate judge recommended dismissal because Plaintiff failed to state a claim for relief or bring the case into proper form. After Plaintiff failed to object within the allotted time, the district court reviewed the Report for clear error, accepted it, and dismissed the action.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270–71 (1976)
- Diamond v. Colonial Life & Accident Ins., 416 F.3d 310, 315 (4th Cir. 2005)

OPINION

Latroy Brown v. Deloris King, SCDC; Director Bryan Stirling, SCDC; Warden Kenneth Sharp, SCDC

PER CURIAM.

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE DISTRICT OF SOUTH CAROLINA

BEAUFORT DIVISION

Latroy Brown,) Case No. 9:25-cv-02687-JDA) Plaintiff,))

v.) OPINION AND ORDER

) Deloris King, SCDC; Director Bryan) Stirling, SCDC; Warden Kenneth) Sharp, SCDC,))

Defendants.) This matter is before the Court on a Report and Recommendation (“Report”) of the Magistrate Judge. [Doc. 16.] 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 Molly H. Cherry for pre-trial proceedings. On January 20, 2026, the Magistrate Judge issued a Report recommending that the matter be summarily dismissed without prejudice, without leave to amend, and without issuance and service of process because Plaintiffs failed to state a claim for relief or bring the case into proper form. [Doc. 16 at 5–9.] 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 10.] Plaintiff has not filed objections or otherwise responded to the Report, 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., 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, the 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 February 17, 2026 Charleston, 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.

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