

**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.

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.