

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PRECEDENTIAL VALUE	unpublished district court opinion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

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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)

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