

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

Antonio Orlando Simmons v. Ms. Dolores Peterson, et al.

Simmons · No. 2:25-14043-RMG · Decided April 22, 2026

SUMMARY

The United States District Court for the District of South Carolina adopted the Magistrate Judge’s Report and Recommendation and dismissed Antonio Orlando Simmons’s pro se action without prejudice and without issuance or service of process. The court also denied the plaintiff’s motions for a state court transcript after finding that he had not corrected deficiencies in his complaint or responded to court orders.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Charleston Division
WRITING FOR THE COURT	Richard Mark Gergel
JURISDICTION	United States District Court for the District of South Carolina, Charleston Division
DECIDED	April 22, 2026
DOCKET	2:25-14043-RMG
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal of a pro se action without prejudice and without issuance or service of process, and denial of the plaintiff's motions for a state court transcript. No timely objections were filed.
STANDARD OF REVIEW	When no specific, timely objections are filed to a magistrate judge's report and recommendation, the district court need not conduct de novo review and need only satisfy itself that there is no clear error on the face of the record before accepting the recommendation. Specific objections would require de novo review of the challenged portions under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	unknown

PARTIES

Antonio Orlando Simmons v. Ms. Dolores Peterson, et al.

TOPICS

pleadings

civil procedure

section 1983

service of process

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

QUESTIONS PRESENTED

1. What standard of review applies when a party fails to timely file specific objections to a magistrate judge's Report and Recommendation?
2. Whether the complaint should be summarily dismissed without prejudice and without issuance or service of process because Plaintiff failed to cure identified pleading deficiencies and failed to comply with court orders.
3. Whether Plaintiff's motions for a state court transcript should be denied.

HOLDINGS

1. When a party fails to timely file specific objections to a magistrate judge's Report and Recommendation, the district court need not conduct de novo review and may accept the recommendation after determining that no clear error appears on the face of the record.
2. The complaint was subject to summary dismissal without prejudice and without issuance or service of process because Plaintiff failed to cure serious pleading deficiencies and failed to comply with the magistrate judge's orders.
3. Plaintiff's motions for a state court transcript were denied.

KEY QUOTATIONS

"Where the petitioner fails to timely file any specific objections, "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." (1)

"This action is DISMISSED WITHOUT PREJUDICE AND WITHOUT ISSUANCE OR SERVICE OF PROCESS." (2)

FACTUAL BACKGROUND

Antonio Orlando Simmons brought the action pro se. The magistrate judge advised him of serious deficiencies in his complaint and ordered him to bring the filing into proper form, but he filed no response. He also did not respond to the Report and Recommendation recommending dismissal, and the district court denied his motions seeking a state court transcript.

PROCEDURAL HISTORY

The magistrate judge identified deficiencies in Plaintiff's complaint and directed him to comply with court orders concerning bringing the filing into proper form. Plaintiff filed no response, and the magistrate judge recommended summary dismissal without prejudice and denial of the transcript motions. After Plaintiff failed to timely object, the district court adopted the R&R, dismissed the action without prejudice and without issuance or service of process, and denied the transcript motions.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270-71 (1976)
- Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Cruz v. Beto, 405 U.S. 319, 322 (1972)
- Haines v. Kerner, 404 U.S. 519, 520-21 (1972)
- Weller v. Dep't of Soc. Servs., 901 F.2d 387, 391 (4th Cir. 1990)