

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

Phillip Paul Goodyear v. Bryan Stirling

Civil Action No. 9:25-cv-00491-TMC (D.S.C. Dec. 30, 2025) · No. 9:25-cv-00491-TMC · Decided December 30, 2025

SUMMARY

The United States District Court for the District of South Carolina adopts the magistrate judge’s Report and Recommendation in this 42 U.S.C. § 1983 action. The court dismisses the action without prejudice, without further leave to amend, and without issuance and service of process, and advises the parties of their right to appeal.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Beaufort Division
WRITING FOR THE COURT	Timothy M. Cain
JURISDICTION	United States District Court for the District of South Carolina, Beaufort Division
DECIDED	December 30, 2025
DOCKET	9:25-cv-00491-TMC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal of a pro se, in forma pauperis 42 U.S.C. § 1983 action without prejudice, without further leave to amend, and without issuance and service of process. No party filed timely objections.
STANDARD OF REVIEW	In the absence of specific, timely objections 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.
PRECEDENTIAL VALUE	Nonprecedential unpublished district court order

TOPICS

- section 1983
- appellate procedure
- standard of review
- civil procedure
- prisoners rights

PRACTICE AREAS

civil rights

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. What standard of review applies when no specific, timely objections are filed to a magistrate judge's Report and Recommendation?
2. Whether the district court should adopt the magistrate judge's recommendation and dismiss the § 1983 action without prejudice, without further leave to amend, and without issuance and service of process.

HOLDINGS

1. 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 determine whether the record contains clear error before accepting the recommendation.
2. A party's failure to file specific written objections to a magistrate judge's Report and Recommendation waives the party's right to appellate review of the district court judgment based on that recommendation.
3. The court adopted the Report and Recommendation and dismissed the action without prejudice, without further leave to amend, and without issuance and service of process.

KEY QUOTATIONS

"The magistrate judge's recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court."

"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.'"

"Accordingly, this action is DISMISSED without prejudice, without further leave to amend, and without issuance and service of process."

FACTUAL BACKGROUND

Phillip Goodyear brought this action under 42 U.S.C. § 1983 while proceeding pro se and in forma pauperis. The magistrate judge recommended dismissal without prejudice, without further leave to amend, and without issuance and service of process. The Report was mailed to Plaintiff's last known address, was not returned as undeliverable, and Plaintiff filed no objections before the objection period expired.

PROCEDURAL HISTORY

Plaintiff filed a § 1983 action while proceeding pro se and in forma pauperis. The matter was referred to a magistrate judge for pretrial proceedings, and the magistrate judge recommended dismissal without prejudice and without further leave to amend or issuance and service of process. After the Report and Recommendation was mailed to Plaintiff's last known address and no objections were filed, the district court reviewed the Report under the clear-error standard, adopted it, and dismissed the action.

DISPOSITION

dismissed

CASES CITED

- 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. 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. Midgette, 478 F.3d 616, 622 (4th Cir. 2007)
- Lockert v. Faulkner, 843 F.2d 1015, 1019 (7th Cir. 1988)
- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Greenspan v. Brothers Property 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
BEAUFORT DIVISION Phillip Paul Goodyear,)) Plaintiff,) Civil Action No. 9:25-cv-00491-
TMC) vs.) ORDER) Bryan Stirling,)) Defendant.) _____)
Plaintiff Phillip Goodyear, proceeding pro se and in forma pauperis (ECF No. 6), filed this action pursuant to 42 U.S.C. § 1983.

(ECF Nos. 1, 15). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B) (D.S.C.), this matter was referred to a magistrate judge for all pretrial proceedings. Now before the court is the magistrate judge's Report and Recommendation, recommending this action be dismissed without prejudice, without further leave to amend, and without issuance and service of process.

(ECF No. 17). The magistrate judge informed Plaintiff of his right to file objections to the Report. Id. at 7. The Clerk's Office mailed the Report to Plaintiff's last known address, (ECF No. 18), and it has not been returned as undeliverable.

Therefore, Plaintiff is presumed to have received it. Nevertheless, Plaintiff has not filed objections to the Report, and the time to do so has passed. 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. 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). Thus, having reviewed the Report under the appropriate standard, the court ADOPTS the recommendation in the Report, (ECF No. 17).

Accordingly, this action is DISMISSED without prejudice, without further leave to amend, and without issuance and service of process. IT IS SO ORDERED. s/Timothy M. Cain Chief United States District Judge Anderson, South Carolina December 30, 2025 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.