

**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.

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.