

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Benjamin Powell v. Scotty Bodiford

Powell v. Bodiford · No. 1:25-cv-12699-SAL · Decided December 5, 2025

SUMMARY

The United States District Court for the District of South Carolina adopted a magistrate judge’s Report and Recommendation because the plaintiff filed no objections and the court found no clear error. The court dismissed the action without prejudice and without leave to amend for failure to satisfy pleading requirements and failure to state a claim.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Sherri A. Lydon
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	December 5, 2025
DOCKET	1:25-cv-12699-SAL
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending summary dismissal of the action. The plaintiff filed no objections within the applicable period.
STANDARD OF REVIEW	In the absence of specific objections to a magistrate judge's Report and Recommendation, the district court reviews the record for clear error before accepting the recommendation. Specific objections would require de novo review of the challenged portions.
PRECEDENTIAL VALUE	unpublished
PARTIES	Benjamin Powell v. Scotty Bodiford

TOPICS

- pleadings
- motions to dismiss
- civil procedure

PRACTICE AREAS

- civil procedure
- federal courts
- pleading sufficiency

QUESTIONS PRESENTED

1. Whether the district court could adopt the magistrate judge's Report and Recommendation without de novo review when Plaintiff filed no objections.
2. Whether the action should be dismissed for failure to satisfy minimal pleading requirements and failure to state a claim.

HOLDINGS

1. When no specific objections are filed, the district court need only satisfy itself that no clear error appears on the face of the record before adopting the recommendation.
2. The action was properly dismissed without prejudice and without leave for further amendment based on the Report's determination that the pleading failed to satisfy minimal pleading requirements and failed to state a claim.

KEY QUOTATIONS

“The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court.”

“only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”

FACTUAL BACKGROUND

The opinion contains no substantive factual allegations concerning the underlying dispute. The Report and Recommendation concluded that Plaintiff's pleading failed to meet minimal pleading requirements and failed to state a claim on which relief could be granted.

PROCEDURAL HISTORY

Magistrate Judge Shiva V. Hodges recommended that the case be summarily dismissed for failure to satisfy minimal pleading requirements and failure to state a claim. After Plaintiff failed to object, the district court reviewed the Report and the record for clear error, adopted the Report, incorporated it by reference, and dismissed the matter without prejudice and without leave for further amendment.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270-71 (1976)
- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310, 315 (4th Cir. 2005)

OPINION

Benjamin Powell v. Scotty Bodiford

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR DISTRICT OF SOUTH CAROLINA

Benjamin Powell, C/A No. 1:25-cv-12699-SAL Plaintiff, v.

ORDER

Scotty Bodiford, Defendant. This matter is before the court on the Report and Recommendation (the “Report”) issued by United States Magistrate Judge Shiva V. Hodges made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). The Report recommends this case be summarily dismissed for many reasons, including that it fails to meet the minimal pleading requirements and fails to state a claim on which relief may be granted. [ECF No. 13.] Attached to the Report was a notice advising 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, and the time for doing so has expired. 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 this court. See *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and 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 & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note). After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error and adopts the Report, ECF No. 13, and incorporates it by reference herein. As a result, this matter is **DISMISSED WITHOUT PREJUDICE AND WITHOUT LEAVE FOR FURTHER AMENDMENT. IT IS SO ORDERED.** Sherr xX. December 5, 2025 Sherri A. Lydon Columbia, South Carolina United States District Judge