

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA, ROCK HILL DIVISION

Sherman O. Porterfield, Sr. v. Truist Bank

Porterfield · No. 0:25-cv-13844-JDA · Decided April 15, 2026

SUMMARY

The United States District Court for the District of South Carolina adopted the magistrate judge’s Report and Recommendation recommending dismissal of Sherman O. Porterfield, Sr.’s complaint against Truist Bank. The court granted Truist Bank’s motion to dismiss and dismissed the case with prejudice after finding no clear error and receiving no objections.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Rock Hill Division
WRITING FOR THE COURT	Jacquelyn D. Austin
JURISDICTION	United States District Court for the District of South Carolina, Rock Hill Division
DECIDED	April 15, 2026
DOCKET	0:25-cv-13844-JDA
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending that Defendant's motion to dismiss be granted and the Complaint be dismissed with prejudice. Neither party filed objections.
STANDARD OF REVIEW	In the absence of a timely objection to a magistrate judge's Report and Recommendation, the district court reviews the recommendation for clear error on the face of the record rather than conducting de novo review.
PRECEDENTIAL VALUE	Unknown; district court opinion with no reporter citation in the source
PARTIES	Sherman O. Porterfield, Sr. v. Truist Bank

TOPICS

- motions to dismiss
- civil procedure
- commercial litigation

PRACTICE AREAS

civil procedure

commercial litigation

QUESTIONS PRESENTED

1. Whether the district court should review the magistrate judge's Report and Recommendation for clear error when neither party filed a timely objection.
2. Whether the magistrate judge's recommendation to grant Defendant's motion to dismiss and dismiss the Complaint with prejudice 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 magistrate judge's Report and Recommendation was accepted, Defendant's motion to dismiss was granted, and the Complaint was dismissed with prejudice.

KEY QUOTATIONS

“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” (315)

FACTUAL BACKGROUND

The opinion contains no substantive account of the underlying dispute between Porterfield and Truist Bank. It concerns Defendant's motion to dismiss and the magistrate judge's recommendation that the Complaint be dismissed with prejudice.

PROCEDURAL HISTORY

Defendant moved to dismiss the Complaint. The matter was referred to Magistrate Judge Shiva V. Hodges, who issued a Report and Recommendation on March 13, 2026, recommending dismissal with prejudice. After no objections were filed, the district court reviewed the Report for clear error, accepted it, granted the motion to dismiss, and dismissed the case with prejudice.

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)

OPINION

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA ROCK HILL DIVISION Sherman O. Porterfield, Sr.,) Case No. 0:25-cv-13844-JDA) Plaintiff,)) v.) OPINION AND ORDER) Truist Bank,)) Defendant.)) This matter is before the Court on Defendant's motion to dismiss. [Doc. 9.]

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for pre-trial proceedings. On March 13, 2026, the Magistrate Judge issued a Report and Recommendation ("Report") recommending that Defendant's motion to dismiss be granted and that Plaintiff's Complaint be dismissed with prejudice.

[Doc. 30.] The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. [Id. at 11.] Neither party has filed objections, and the time to do so has lapsed.

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 the Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976).

The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b).

The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "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" (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report of the Magistrate Judge for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference.

Accordingly, Defendant's motion to dismiss [Doc. 9] is GRANTED, and this case is dismissed with prejudice. IT IS SO ORDERED. s/ Jacquelyn D. Austin United States District Judge April 14, 2026 Columbia, South Carolina 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.