

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Juventino T. Luna v. John Does; United States Marshal Services;
LCDC

Luna · No. 0:25-cv-13828-SAL · Decided February 26, 2026

SUMMARY

The United States District Court for the District of South Carolina adopted a magistrate judge's Report and Recommendation recommending dismissal of Juventino T. Luna's civil rights action. Because Luna filed no objections and failed to comply with a court order or prosecute the action, the court summarily dismissed the case without prejudice under Federal Rule of Civil Procedure 41.

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	February 26, 2026
DOCKET	0:25-cv-13828-SAL
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal without prejudice for failure to comply with a court order and failure to prosecute. The plaintiff filed no objections.
STANDARD OF REVIEW	In the absence of objections to a magistrate judge's report and recommendation, the district court reviews the record for clear error and need not provide an explanation for adopting the recommendation. For specifically objected-to portions, the court conducts de novo review under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is not established in the source.

TOPICS

civil procedure

section 1983

civil rights

prisoners rights

PRACTICE AREAS

Civil procedure

Civil rights

Prisoner litigation

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation when the plaintiff filed no objections.
2. Whether the action should be dismissed without prejudice for failure to comply with a court order and failure to prosecute.

HOLDINGS

1. When no objections are filed to a magistrate judge's Report and Recommendation, the district court need only satisfy itself that there is no clear error on the face of the record before adopting the recommendation.
2. The action was properly dismissed without prejudice under Federal Rule of Civil Procedure 41 for failure to comply with a court order and failure to prosecute.

KEY QUOTATIONS

"Finding no clear error in the Report, ECF No. 11, it is adopted and incorporated."

"Accordingly, this action is SUMMARILY DISMISSED without prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure."

FACTUAL BACKGROUND

Juventino T. Luna, proceeding pro se, filed an action alleging civil-rights violations against John Does, United States Marshal Services, and LCDC. The magistrate judge recommended dismissal because Luna failed to comply with a court order and failed to prosecute the action. Luna did not file objections to the Report and Recommendation.

PROCEDURAL HISTORY

Plaintiff filed a civil-rights action in the District of South Carolina. Magistrate Judge Paige J. Gossett recommended dismissal without prejudice under 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2). After the plaintiff failed to object within the prescribed period, the district court found no clear error, adopted the Report, and summarily dismissed the action without prejudice under Federal Rule of Civil Procedure 41.

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

IN THE UNITED STATES DISTRICT COURT FOR DISTRICT OF SOUTH CAROLINA
Juventino T. Luna, C/A No.: 0:25-cv-13828-SAL Plaintiff, v. ORDER John Does; United States Marshal Services; LCDC, Defendants. Plaintiff Juventino T. Luna, proceeding pro se, filed this action alleging violations of his civil rights. This matter is before the court on the Report and Recommendation (the “Report”) issued by United States Magistrate Judge Paige J. Gossett made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), recommending the complaint be dismissed without prejudice for failure to comply with a court order and failure to prosecute.

[ECF No. 11.] The Report included a notice advising Plaintiff of his right to file objections, the deadline for doing so, and the consequences of inaction. *Id.* at 3. He did not file 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).

Finding no clear error in the Report, ECF No. 11, it is adopted and incorporated. Accordingly, this action is SUMMARILY DISMISSED without prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure. IT IS SO ORDERED. Sherr rt. February 26, 2026 Sherr A. te □□□ Columbia, South Carolina United States District Judge