

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.

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

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