

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA, GREENVILLE DIVISION**

Chance D. Wilson v. Anthony Phyll, Major

Wilson · No. 6:24-cv-05768-JDA · Decided April 28, 2026

OPINION

Wilson

PER CURIAM.

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE DISTRICT OF SOUTH CAROLINA

GREENVILLE DIVISION

Chance D. Wilson,) Case No. 6:24-cv-05768-JDA) Plaintiff,))

v.) OPINION AND ORDER

) Anthony Phyll, Major,)) Defendant.)) This matter is before the Court on Defendant’s motion to dismiss or, in the alternative, for summary judgment. [Doc. 98.] 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 Kevin F. McDonald for pre-trial proceedings. Plaintiff’s pro se Complaint was entered on the docket on October 10, 2024. [Doc. 1.] On December 15, 2025, Defendant filed a motion to dismiss or, in the alternative, for summary judgment. [Doc. 98.] On March 31, 2026, the Magistrate Judge issued a Report and Recommendation (“Report”) recommending that Defendant’s motion for summary judgment be granted, with prejudice, because Plaintiff failed to exhaust his administrative remedies. [Doc. 114 at 7–11, 12.] 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 13.] No party has filed objections to the Report, 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. See *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 for summary judgment [Doc. 98] is GRANTED, with prejudice, for failure to exhaust. IT IS SO ORDERED. s/ Jacquelyn D. Austin United States District Judge April 28, 2026 Greenville, 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.