

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Kevin LaPatrick Fowler v. Jerrad Smith

Civil Action No. 7:25-cv-13983-BHH (D.S.C. Apr. 23, 2026) · No. 7:25-cv-13983-BHH · Decided April 23,
2026

SUMMARY

The United States District Court for the District of South Carolina adopts a magistrate judge’s report and recommendation in Kevin LaPatrick Fowler’s pro se action under 42 U.S.C. § 1983. The court dismisses all claims other than the excessive-force claim against Defendant Jerrad Smith with prejudice, without leave to amend, and without issuance and service of process.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Bruce H. Hendricks
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	April 23, 2026
DOCKET	7:25-cv-13983-BHH
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a pro se action under 42 U.S.C. § 1983. After a magistrate judge recommended summary dismissal of all claims except the excessive-force claim, and Plaintiff filed no objections, the district court reviewed the recommendation for clear error and adopted it.
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 rather than conducting de novo review.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated in the opinion.

TOPICS

- section 1983
- prisoners rights
- motions to dismiss
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should review the magistrate judge's Report for clear error when Plaintiff filed no specific objections.
2. Whether the magistrate judge's recommendation to dismiss all claims other than the excessive-force claim should be adopted.
3. Whether the non-excessive-force claims should be dismissed with prejudice, without leave to amend, and without issuance and service of process.

HOLDINGS

1. When no specific objections are filed, the district court reviews the magistrate judge's recommendation for clear error rather than conducting de novo review.
2. The non-excessive-force claims were properly dismissed for failure to state a claim, with prejudice, without leave for further amendment, and without issuance and service of process.

KEY QUOTATIONS

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

“Here, because no objections have been filed, the Court has reviewed the record, the applicable law, and the findings of the Magistrate Judge for clear error.”

FACTUAL BACKGROUND

Plaintiff Kevin LaPatrick Fowler filed a pro se complaint against Defendant Jerrad Smith under 42 U.S.C. § 1983. The complaint included an excessive-force claim and other claims. The magistrate judge determined that the non-excessive-force claims failed to state claims upon which relief could be granted and allowed Plaintiff an opportunity to amend, which he did not use.

PROCEDURAL HISTORY

The matter was referred to a United States Magistrate Judge for preliminary review. The magistrate judge advised Plaintiff that claims other than the excessive-force claim were subject to summary dismissal for failure to state a claim and permitted amendment, but Plaintiff did not amend. The magistrate judge then recommended dismissal of all claims except the excessive-force claim. With no objections filed, the district court conducted clear-error review, adopted the Report, and dismissed the other claims with prejudice, without leave to amend and without issuance and service of process.

DISPOSITION

other

CASES CITED

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

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA
Kevin LaPatrick Fowler,)) Plaintiff,)) Civil Action No. 7:25-cv-13983-BHH v.)) ORDER
Jerrad Smith,)) Defendant.) _____) This matter is before the
Court upon Plaintiff Kevin LaPatrick Fowler's ("Plaintiff") pro se complaint filed pursuant to 42
U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B), D.S.C., the matter was referred to a United States Magistrate Judge for preliminary review. On February 4, 2026, the Magistrate Judge issued an order explaining to Plaintiff that the claims in his complaint, other than his claim for excessive force, were subject to summary dismissal for failure to state a claim upon which relief may be granted, and the Magistrate Judge gave Plaintiff time to file an amended complaint.

(ECF No. 9.) Plaintiff did not file an amended complaint within the time provided. Accordingly, on February 27, 2026, the Magistrate Judge issued a report and recommendation ("Report"), outlining the issues and recommending that the Court summarily dismiss Plaintiff's all of Plaintiff's claim other than his excessive force claim against Defendant. (ECF No. 13.)

Attached to the Magistrate Judge's Report was a notice advising Plaintiff of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the 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 (1976).

The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

In the absence of specific objections, the Court reviews the matter only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 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.'" (quoting Fed.

R. Civ. P. 72 advisory committee's note). Here, because no objections have been filed, the Court has reviewed the record, the applicable law, and the findings of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge's analysis.

Accordingly, the Court adopts and incorporates the Magistrate Judge's Report (ECF No. 13), and the Court dismisses all of Plaintiff's claims other than his excessive force claim with prejudice, without leave for further amendment, and without issuance and service of process. IT IS SO ORDERED. /s/Bruce H. Hendricks United States District Judge April 23, 2026 Charleston, South Carolina 2