

**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

OPINION

Fowler

PER CURIAM.

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