

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Ron S. McCray v. Joel Anderson, Elisabeth Holcomb, Dr. McRee,
and Dr. Ringold

McCray · No. 8:25-cv-11451-CMC · Decided April 7, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts a magistrate judge’s Reports and Recommendations and denies Plaintiff Ron S. McCray’s three motions for default judgment. The court finds no clear error, notes that properly served defendants filed an Answer, and concludes that Defendant Holcomb was not served and therefore cannot be held in default.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Cameron McGowan Currie
JURISDICTION	United States District Court for the District of South Carolina, Anderson/Greenwood Division
DECIDED	April 7, 2026
DOCKET	8:25-cv-11451-CMC
DISPOSITION	denied
PROCEDURAL POSTURE	Plaintiff moved for default judgment against the defendants. The motions were referred to a magistrate judge, who recommended denial. Plaintiff filed no timely objections, and the district court reviewed the recommendations for clear error and adopted them.
STANDARD OF REVIEW	In the absence of timely 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	Unknown

TOPICS

- default judgment
- default
- service of process
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's recommendations denying Plaintiff's motions for default judgment when Plaintiff filed no timely objections.
2. Whether Defendant Holcomb could be held in default without having been served.

HOLDINGS

1. When no timely objection is filed, the district court need only review the report and the record for clear error before accepting the recommendation.
2. A defendant who has not been served cannot be held in default.
3. Plaintiff's three motions for default judgment were denied.

KEY QUOTATIONS

"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." (at 2)

"Regardless, as she has not been served, Defendant Holcomb cannot be held in default." (at 2)

FACTUAL BACKGROUND

All defendants who had been properly served filed an answer in the action. Defendant Elisabeth Holcomb had not been served, and the defendants represented that Holcomb and Defendant Ringold might be the same person because Holcomb was Ringold's former last name. Plaintiff nevertheless sought default judgment against the defendants through three motions.

PROCEDURAL HISTORY

Plaintiff filed three motions for default judgment. United States Magistrate Judge William S. Brown issued reports recommending denial of the motions, advised Plaintiff of the objection procedures and consequences, and received no timely objections. The district court found no clear error, adopted the reports, and denied the motions; it also noted that Defendant Holcomb had not been served and therefore could not be held in default.

DISPOSITION

denied

CASES CITED

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

OPINION

McCray

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

ANDERSON/GREENWOOD DIVISION

Ron S. McCray, Civil Action No. 8:25-cv-11451-CMC Plaintiff, vs. ORDER Joel Anderson; Elisabeth Holcomb; Dr. McRee; Dr. Ringold, Defendants. This matter is before the court on Plaintiff's Motions for Default Judgment. Dkt. Nos. 43, 54, 68. Defendants filed responses to the three motions. Dkt. Nos. 49, 57, 77. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), D.S.C., the matter was referred to United States Magistrate Judge William S. Brown for pre-trial proceedings. On February 23, 2026, the Magistrate Judge entered a Report and Recommendation ("Report") recommending Plaintiff's first two motions for default judgment be denied. Dkt. No.

65. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff failed to file objections, and the time to do so has expired. Plaintiff did, however, file a third motion for default judgment. Dkt. No. 68.1 On March 13, 2026, the Magistrate Judge entered a second Report addressing Plaintiff's third motion for default judgment. Dkt. No. 79. The Magistrate Judge advised Plaintiff 1 He also filed a motion for extension of time to respond to the initial Report, requesting a due date of March 16, 2026. Dkt. No. 75. He did not, however, file objections on or before March 16, 2026. This motion is now moot. of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff failed to file objections, and the time to do so has expired.² 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 (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 is required to review the Report only for clear error in the absence of an objection. 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.") (citation omitted). After a review of the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error, and agrees Plaintiff's motions for default should be denied. Accordingly, the court adopts the Report by reference in this Order. All Defendants who were properly served have filed an Answer in this matter (Dkt. No. 48). Service has not been

accomplished as to Defendant Holcomb, and Defendants note Defendants Ringold and Holcomb are likely the same person, as Holcomb is Ringold's former last name. Regardless, 2 The court notes Plaintiff has filed other motions during this time. See Dkt. No. 93. 2 as she has not been served, Defendant Holcomb cannot be held in default. Plaintiff's motions for default judgment (Dkt. Nos. 43, 54, 68) are denied.³ IT IS SO ORDERED. s/Cameron McGowan Currie

CAMERON MCGOWAN CURRIE

Senior United States District Judge Columbia, South Carolina April 7, 2026 3 As noted above, Dkt. No. 75 is moot. 3