

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)

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