

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA, COLUMBIA DIVISION

Green v. Clover Valley, Dollar General Corporation, Insurance
Company, Flowers Food Inc., and ESIS/ACE American Insurance
Company

Green · No. 3:25-13136-MGL · Decided March 26, 2026

SUMMARY

The United States District Court for the District of South Carolina adopted the magistrate judge’s report and recommendation and dismissed Jeremy Green’s complaint without prejudice and without issuance or service of process for lack of subject matter jurisdiction. The court concluded that Green’s untimely filing did not present substantive objections to the report and recommendation, and therefore reviewed the record for clear error.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Columbia Division
WRITING FOR THE COURT	Mary Geiger Lewis
JURISDICTION	United States District Court for the District of South Carolina, Columbia Division
DECIDED	March 26, 2026
DOCKET	3:25-13136-MGL
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending summary dismissal of the complaint without prejudice and without issuance and service of process for lack of subject matter jurisdiction. The plaintiff filed an untimely submission that did not address the Report and Recommendation.
STANDARD OF REVIEW	When no timely specific objection is filed to a magistrate judge's Report and Recommendation, the district court need not conduct de novo review and instead must satisfy itself that there is no clear error on the face of the record before accepting the recommendation.
PRECEDENTIAL VALUE	unknown

PARTIES

Jeremy Green v. Clover Valley, Dollar General Corporation, Insurance Company, Flowers Food Inc, ESIS/ACE American Insurance Company

TOPICS

subject matter jurisdiction

appellate procedure

standard of review

civil procedure

PRACTICE AREAS

civil procedure

federal jurisdiction

appellate procedure

QUESTIONS PRESENTED

1. Whether the district court was required to conduct de novo review when the plaintiff's purported objections were untimely and did not address the magistrate judge's Report and Recommendation.
2. Whether the complaint should be dismissed without prejudice and without issuance and service of process for lack of subject matter jurisdiction.

HOLDINGS

1. A submission that is untimely and does not address the Report and Recommendation constitutes no objection; absent a timely specific objection, the district court need not conduct de novo review and may review the record for clear error before adopting the recommendation.
2. The complaint was dismissed without prejudice and without issuance and service of process for lack of subject matter jurisdiction.
3. Failure to file timely objections to a magistrate judge's Report and Recommendation waives appellate review.

KEY QUOTATIONS

"[I]n 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 . . . to accept the recommendation.'"

FACTUAL BACKGROUND

Jeremy Green, proceeding without counsel, filed an action against Clover Valley, Dollar General Corporation, Insurance Company, Flowers Food Inc., and ESIS/ACE American Insurance Company. The magistrate judge recommended dismissal without prejudice and without issuance and service of process for lack of subject matter jurisdiction. Green's purported objections were untimely and did not address the recommendation.

PROCEDURAL HISTORY

The magistrate judge filed the Report and Recommendation on February 26, 2026. Green filed purported objections on March 18, 2026, but the submission consisted of medical records and a Clerk's Office document

and did not object to the recommendation. The district court therefore reviewed the record for clear error, adopted and incorporated the Report and Recommendation, and dismissed the case without prejudice and without issuance and service of process for lack of subject matter jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270 (1976)
- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985)

OPINION

GSES DSR A 8 nS Rorsp IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA COLUMBIA DIVISION JEREMY GREEN, § Plaintiff, § § vs. § CIVIL ACTION NO. 3:25-13136-MGL § CLOVER VALLEY, DOLLAR GENERAL § CORPORATION, INSURANCE COMPANY, § FLOWERS FOOD INC, and ESIS/ACE § AMERICAN INSURANCE COMPANY, § Defendants. § ORDER ADOPTING THE REPORT AND RECOMMENDATION AND DISMISSING THIS CASE WITHOUT PREJUDICE AND WITHOUT ISSUANCE AND SERVICE OF PROCESS Plaintiff Jeremy Green, who is self represented, filed this lawsuit against Defendants Clover Valley, Dollar General Corporation, Insurance Company, Flowers Food Inc, and ESIS/ACE American Insurance Company.

The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending to the Court the complaint be summarily dismissed without prejudice and without issuance and service of process for lack of subject matter jurisdiction.

The Report was made pursuant to 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only arecommendation to this Court. The recommendation has no presumptive weight.

The responsibility to make a final determination remains with the Court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions.

28 U.S.C. § 636(b)(1). The Magistrate Judge filed the Report on February 26, 2026, and, on March 18, 2026, Green untimely filed what he titles “Objections to R&R[.]” Objections at 1

(capitalizations standardized). But, the submission fails to address the Report in any way whatsoever. Instead, it contains several pages of medical records and a copy of a document from the Clerk's Office.

As such, the Court concludes Green has failed to submit any objections to the Report. "[I]n 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... to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir.

2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985). After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. It is therefore the judgment of the Court the complaint is DISMISSED WITHOUT PREJUDICE and without issuance and service of process for lack of subject matter jurisdiction.

IT IS SO ORDERED. Signed this 26th day of March, 2026, in Columbia, South Carolina. /s/ Mary Geiger Lewis MARY GEIGER LEWIS UNITED STATES DISTRICT JUDGE ***** NOTICE OF RIGHT TO APPEAL Green is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.