

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

In re Timothy Augustus Ward

Ward · No. 2:25-cv-11984-JD-TER · Decided January 26, 2026

SUMMARY

The United States District Court for the District of South Carolina adopted a magistrate judge’s Report and Recommendation and dismissed Timothy Augustus Ward’s bankruptcy appeal without prejudice. The dismissal was based on failure to prosecute and failure to timely file a statement of issues and designation of the record, and any pending motions were deemed moot.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Joséph Dawson III
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	January 26, 2026
DOCKET	2:25-cv-11984-JD-TER
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation addressing the debtor's failure to file a statement of issues and designation of the bankruptcy record. The court adopted the recommendation and dismissed the bankruptcy appeal without prejudice.
STANDARD OF REVIEW	In the absence of specific objections to a magistrate judge's report and recommendation, the district court need only determine whether there is clear error on the face of the record rather than conduct de novo review.
PRECEDENTIAL VALUE	Unknown
PARTIES	Timothy Augustus Ward, Debtor

TOPICS

- bankruptcy
- appellate procedure
- standard of review
- preservation of error
- civil procedure

PRACTICE AREAS

Bankruptcy

Federal appellate procedure

Civil procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's recommendation in the absence of timely and specific objections.
2. Whether the bankruptcy appeal should be dismissed without prejudice for failure to prosecute and failure to comply with the Federal Rules of Bankruptcy Procedure and the district court's order.
3. Whether Ward's untimely Statement of Issue cured his prior procedural deficiencies.

HOLDINGS

1. When a party fails to file timely and specific objections to a magistrate judge's report and recommendation, the district court is not required to conduct de novo review and need only determine whether clear error appears on the face of the record.
2. A bankruptcy appeal may be dismissed without prejudice when the appellant fails to prosecute and fails to comply with the Federal Rules of Bankruptcy Procedure and a district court order requiring a statement of issues and designation of the record.
3. An untimely filing that neither constitutes a proper specific objection nor timely designates the record does not cure the appellant's prior procedural noncompliance.

KEY QUOTATIONS

"It is, therefore, ORDERED that this bankruptcy appeal is DISMISSED WITHOUT PREJUDICE for failure to prosecute and for failure to comply with the Federal Rules of Bankruptcy Procedure and this Court's October 7, 2025, Order." (Section E)

"In the absence of objections, the Court is not required to conduct a de novo review and need only satisfy itself that there is no clear error on the face of the record." (Section D)

FACTUAL BACKGROUND

Ward filed a notice of appeal from orders entered in his Chapter 7 bankruptcy case. The district court ordered him to file a statement of issues and designation of the record, but he failed to do so within the required time. His later Statement of Issue was untimely, did not timely designate the record, and did not explain the noncompliance or establish good cause for the delay.

PROCEDURAL HISTORY

Ward, proceeding pro se, filed a notice of appeal from orders entered in his Chapter 7 bankruptcy case. After the appeal was transmitted to the district court, he failed to timely file a statement of issues and designation of the record despite an express order and warning that noncompliance could result in dismissal. The magistrate judge recommended dismissal without prejudice for failure to prosecute and failure to comply with the court's order and the Federal Rules of Bankruptcy Procedure. Ward filed an untimely document titled Statement of Issue, but

did not file specific objections to the report or timely designate the record. The district court found no clear error, adopted the report in its entirety, dismissed the appeal without prejudice, deemed pending motions moot, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270-71 (1976)
- United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984)
- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Thomas v. Arn, 474 U.S. 140, 147 (1985)
- Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA)
Case No.: 2:25-cv-11984-JD-TER) In Re:)) Timothy Augustus Ward,) ORDER)) Debtor.))
This matter is before the Court on the Report and Recommendation (“Report”) of United States Magistrate Judge Thomas E. Rogers (DE 10), issued under 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) of the District of South Carolina.

The Report addresses Debtor Timothy Augustus Ward’s (“Debtor”) failure to file a statement of issues and designation of record.¹ A. Background The Report accurately outlines the relevant facts and legal standards, which the Court incorporates herein by reference. A brief summary is provided for context. Debtor, proceeding pro se, filed a notice of appeal from orders entered in his Chapter 7 bankruptcy case.

After the appeal was transmitted to this Court, Debtor failed to comply with the Federal Rules of Bankruptcy Procedure and this Court’s ¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976).

The court is charged with making a de novo determination of those portions of the Report and Recommendation to which 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 with instructions. 28 U.S.C. § 636(b)(1). October 7, 2025, Order (DE 6) by failing to timely file a statement of issues and a designation of the record, despite being expressly directed to do so and warned that failure to comply could result in dismissal.

B. Report and Recommendation On November 4, 2025, the Magistrate Judge issued a thorough Report (DE 10) recommending that this appeal be dismissed without prejudice for failure to prosecute and for failure to comply with the Court's order and the Federal Rules of Bankruptcy Procedure, and that any pending motions be deemed moot. C. Legal Standard To be actionable, objections to the Report and Recommendation must be specific.

Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See *United States v. Schronce*, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). "The Supreme Court has expressly upheld the validity of such a waiver rule, explaining that 'the filing of objections to a magistrate's report enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties' dispute.'" *Diamond v. Colonial Life & Accident Ins.*

Co., 416 F.3d 310, 315 (2005) (citing *Thomas v. Arn*, 474 U.S. 140, 147 (1985) (emphasis added)). In the absence of specific objections to the Report and Recommendation of the magistrate judge, this Court is not required to give any explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). D. Debtor's Objection The Report advised the parties of their right to file specific written objections within the time provided by law.

See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Debtor did not file objections to the Report and Recommendation. After issuance of the Report, Debtor filed a document titled "Statement of Issue." (DE 13). The filing was untimely and does not constitute a proper objection to the Report.

Moreover, the late-filed Statement of Issues does not cure Debtor's prior failure to comply with this Court's October 7, 2025, Order (DE 6), as Debtor still failed to timely designate the record within the period ordered by the Court.

The filing also does not provide any explanation for Debtor's noncompliance or otherwise demonstrate good cause for the delay. Accordingly, the Court finds that Debtor has failed to file specific objections to the Report and Recommendation and has not cured the procedural deficiencies identified by the Magistrate Judge.

In the absence of objections, the Court is not required to conduct a de novo review and need only satisfy itself that there is no clear error on the face of the record. Upon review, the Court finds none. E. Conclusion After a careful and thorough review of the Report and Recommendation and the entire record in this matter, and in the absence of any timely and specific objections, the Court finds no clear error and adopts the Report (DE 10) in its entirety and incorporates it herein by reference.

It is, therefore, ORDERED that this bankruptcy appeal is DISMISSED WITHOUT PREJUDICE for failure to prosecute and for failure to comply with the Federal Rules of Bankruptcy Procedure and this Court's October 7, 2025, Order. Debtor's untimely Statement of Issues (DE 13) does not

alter this conclusion. Any pending motions are deemed MOOT, and the Clerk of Court is directed to close this case.

IT IS SO ORDERED. Joséph Dawson. III United States District Judge Florence, South Carolina January 26, 2026 NOTICE OF RIGHT TO APPEAL The parties are hereby notified of the right to appeal this order within thirty (30) days from this date under Rules 3 and 4 of the Federal Rules of Appellate Procedure.