

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)