

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

Samuel Tucker Collins, Jr. v. West Palmetto Holdings and Clarendon
County Magistrate Court

Collins · No. 2:26-cv-01107-RMG · Decided April 9, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts a magistrate judge’s recommendation to remand the action to the South Carolina Court of Appeals for lack of subject-matter jurisdiction. The court dismisses as moot the appellant’s motions for declaratory and injunctive relief and for a temporary restraining order and stay of a writ of ejectment.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Charleston Division
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	April 9, 2026
DOCKET	2:26-cv-01107-RMG
DISPOSITION	remanded
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation recommending remand to the South Carolina Court of Appeals for lack of subject-matter jurisdiction and dismissal as moot of motions for declaratory and injunctive relief and for an emergency temporary restraining order and stay of a writ of ejectment. No objections were filed.
STANDARD OF REVIEW	When specific objections are filed to a magistrate judge's report and recommendation, the district court conducts de novo review of the objected-to portions under 28 U.S.C. § 636(b)(1). When no timely specific objections are filed, the district court need only satisfy itself that there is no clear error on the face of the record before accepting the recommendation.
PRECEDENTIAL VALUE	Unknown
PARTIES	Samuel Tucker Collins, Jr. v. West Palmetto Holdings, Clarendon County Magistrate Court

TOPICS

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QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's report and recommendation when Appellant filed no objections.
2. Whether the action should be remanded to the South Carolina Court of Appeals for lack of subject-matter jurisdiction.
3. Whether Appellant's motions for declaratory and injunctive relief and for an emergency temporary restraining order and stay of a writ of ejectment should be dismissed as moot.

HOLDINGS

1. When a party fails to timely file specific objections to a magistrate judge's report and recommendation, the district court need not conduct de novo review and may accept the recommendation after satisfying itself that no clear error appears on the face of the record.
2. The district court lacked subject-matter jurisdiction over the action and therefore remanded it to the South Carolina Court of Appeals.
3. Appellant's motion for declaratory and injunctive relief and emergency motion for a temporary restraining order and stay of the writ of ejectment were dismissed as moot.

KEY QUOTATIONS

"Where the petitioner fails to timely file any specific objections, "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 1)

"For the foregoing reasons, the R&R (Dkt. No. 7) is ADOPTED as the Order of the Court, this action is REMANDED to the South Carolina Court of Appeals, and Appellant's motion for declaratory and injunctive relief (Dkt. No. 2) and emergency motion for temporary restraining order and stay of writ of ejectment (Dkt. No. 3) are DISMISSED AS MOOT." (at 3)

FACTUAL BACKGROUND

The action concerned an attempted federal proceeding involving a South Carolina Court of Appeals matter and a writ of ejectment. Appellant sought declaratory and injunctive relief, including an emergency temporary restraining order and a stay of the writ of ejectment. The magistrate judge concluded that the district court lacked subject-matter jurisdiction and that the requested relief should be dismissed as moot.

PROCEDURAL HISTORY

The magistrate judge issued an R&R recommending remand to the South Carolina Court of Appeals and dismissal as moot of Appellant's pending motions. Appellant was given fourteen days, plus three days for mailing, to file objections, but filed none. The district court adopted the R&R, remanded the action, and dismissed the motions as moot.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was remanded to the South Carolina Court of Appeals. The district court also dismissed as moot the motion for declaratory and injunctive relief and the emergency motion for a temporary restraining order and stay of the writ of ejectment.

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270-71 (1976)
- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Cruz v. Beto, 405 U.S. 319, 322 (1972)
- Haines v. Kerner, 404 U.S. 519, 520-21 (1972)
- Weller v. Department of Social Services, 901 F.2d 387, 391 (4th Cir. 1990)