

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Cory Dewayne McNeal v. Tara Warren, Jude Onuoha, and Mr.
Andres

McNeal · No. 8:25-cv-13128-JFA-WSB · Decided February 20, 2026

SUMMARY

The United States District Court for the District of South Carolina adopted a Magistrate Judge’s Report and Recommendation and dismissed Cory Dewayne McNeal’s civil action without prejudice. The dismissal was based on failure to prosecute under Federal Rule of Civil Procedure 41 after McNeal failed to amend his complaint and failed to file objections to the Report.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Joseph F. Anderson, Jr.
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	February 20, 2026
DOCKET	8:25-cv-13128-JFA-WSB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff's civil action was referred to a magistrate judge for initial review. The magistrate judge recommended dismissal for failure to prosecute under Federal Rule of Civil Procedure 41 after plaintiff failed to amend his complaint and failed to object to the Report and Recommendation. The district court adopted the recommendation and dismissed the action without prejudice.
STANDARD OF REVIEW	A district court reviews de novo the specific portions of a magistrate judge's report to which a specific objection is made. In the absence of specific objections, the district court is not required to explain its adoption of the recommendation.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Cory Dewayne McNeal v. Tara Warren, Jude Onuoha, Mr. Andres

TOPICS

civil procedure

pleadings

PRACTICE AREAS

civil procedure

civil rights

QUESTIONS PRESENTED

1. Whether the district court could adopt the magistrate judge's Report and Recommendation without conducting an explained de novo review when the plaintiff filed no objections.
2. Whether the action should be dismissed without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41.

HOLDINGS

1. Because the plaintiff filed no objections, the district court was not required to provide an explanation for adopting the magistrate judge's recommendation.
2. The action was properly dismissed without prejudice under Federal Rule of Civil Procedure 41 because the plaintiff failed to comply with the order requiring an amended complaint and failed to prosecute the action.

FACTUAL BACKGROUND

McNeal, proceeding pro se, filed a civil action against Tara Warren, Jude Onuoha, and Mr. Andres. After an initial review under 28 U.S.C. § 1915, the magistrate judge directed McNeal to file an amended complaint to cure deficiencies and warned that failure to comply could result in summary dismissal. McNeal neither filed an amended complaint in response to the order nor objected to the subsequent Report and Recommendation.

PROCEDURAL HISTORY

The magistrate judge found that the complaint was subject to summary dismissal and ordered McNeal to file an amended complaint, warning that noncompliance could result in dismissal. McNeal did not respond, and the magistrate judge issued a Report and Recommendation recommending dismissal for failure to prosecute under Rule 41. After McNeal failed to object by the stated deadline, the district court adopted the Report and Recommendation and dismissed the action without prejudice, without further leave to amend and without issuance and service of process.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261 (1976)
- Carniewski v. W. Virginia Bd. of Prob. & Parole, 974 F.2d 1330 (4th Cir. 1992)
- Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)

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