

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PRECEDENTIAL VALUE	Nonprecedential district court order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)

OPINION

IN THE UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA Cory Dewayne McNeal, C/A No. 8:25-cv-13128-JFA-WSB Plaintiff, v. ORDER Tara Warren, Jude Onuoha, Mr. Andres, Defendants. Plaintiff Cory Dewayne McNeal, proceeding pro se, filed this civil action against the above-named Defendants.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for initial review. After performing an initial review of the complaint pursuant to 28 U.S.C. 1915, the Magistrate Judge issued an order notifying Plaintiff that his complaint was subject to summary dismissal and directing Plaintiff to file an amended complaint to cure deficiencies within his earlier filings.

(ECF No. 16). The order warned Plaintiff that his failure to comply with the order within the time permitted would subject his case to summary dismissal. Plaintiff did not respond to that order. Thereafter, the Magistrate Judge prepared a thorough Report and Recommendation¹ (“Report”). (ECF No. 19). Within the Report, the Magistrate Judge opines the Complaint 1 The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.).

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). is subject to dismissal for failure to prosecute pursuant to Federal Rule of Civil Procedure 41. *Id.* The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Plaintiff was advised of his right to object to the Report, which was entered on the docket on January 9, 2026. *Id.* The Magistrate Judge required Plaintiff to file objections by January 23, 2026. *Id.* Plaintiff failed to file objections.

Thus, this matter is ripe for review. A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge’s Report to which an objection is made. See 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992).

In the absence of specific objections to portions of the Magistrate’s Report, this Court is not required to give an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Here, Plaintiff has failed to raise any objections and therefore this Court is not required to give an explanation for adopting the recommendation. A review of the Report and prior orders indicates

that the Magistrate Judge correctly concluded that Plaintiff's Complaint is subject to dismissal pursuant to Rule 41.

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law.

Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 19). Consequently, this action is dismissed without prejudice, without further leave to amend, and without issuance and service of process. IT IS SO ORDERED. Dptoge 5 Comabsem gp February 20, 2026 Joseph F. Anderson, Jr. Columbia, South Carolina United States District Judge