

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

James Gibson v. Matthew Moseley

Gibson · No. 6:25-cv-13954-JFA-MGB · Decided March 5, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts the Magistrate Judge’s Report and Recommendation in a pro se 42 U.S.C. § 1983 action. The court dismisses the plaintiff’s malicious prosecution claim without prejudice because the underlying state charges remain pending, while allowing the excessive force claim to proceed for further proceedings.

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	March 5, 2026
DOCKET	6:25-cv-13954-JFA-MGB
DISPOSITION	other
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983; the district court reviewed a Magistrate Judge's Report and Recommendation under the Prison Litigation Reform Act after Plaintiff filed no objections.
STANDARD OF REVIEW	The district court was required to conduct de novo review only of specific portions of the Magistrate Judge's Report to which objections were made; because Plaintiff filed no objections, the court adopted the Report without separately explaining its reasoning.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	James Gibson v. Matthew Moseley

TOPICS

- section 1983
- prisoners rights
- civil procedure
- police misconduct

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court could adopt the Magistrate Judge's Report and Recommendation without conducting a de novo review or providing a separate explanation when Plaintiff filed no objections.
2. Whether Plaintiff's malicious-prosecution claim was subject to summary dismissal because the underlying state charges remained pending and had not been favorably terminated.
3. Whether the action should proceed on Plaintiff's excessive-force claim.

HOLDINGS

1. When a party makes no specific objection to a Magistrate Judge's Report and Recommendation, the district court is not required to conduct de novo review of the Report's specific portions or provide a separate explanation for adopting the recommendation.
2. The malicious-prosecution claim was subject to summary dismissal because the state charges remained pending and therefore had not been favorably terminated.
3. The excessive-force claim was permitted to proceed to further proceedings before the Magistrate Judge.

KEY QUOTATIONS

"Consequently, Plaintiff's malicious prosecution claim is dismissed without prejudice and without further leave to amend."

FACTUAL BACKGROUND

James Gibson, proceeding pro se and in forma pauperis, filed a § 1983 action alleging constitutional violations, including excessive force and malicious prosecution. The state criminal charges underlying the malicious-prosecution claim remained pending, so there had been no favorable termination. Gibson did not object to the Magistrate Judge's recommendation that the malicious-prosecution claim be dismissed while the excessive-force claim proceed.

PROCEDURAL HISTORY

Plaintiff filed a § 1983 action alleging constitutional violations. On initial PLRA screening, the Magistrate Judge recommended that Plaintiff's excessive-force claim proceed but that his malicious-prosecution claim be summarily dismissed because the underlying state charges remained pending and had not been favorably terminated. After Plaintiff failed to object, the district court adopted the Report and Recommendation, dismissed the malicious-prosecution claim without prejudice and without further leave to amend, and referred the case for further proceedings on the excessive-force claim.

DISPOSITION

other

REMAND INSTRUCTIONS

The case was referred to the Magistrate Judge for further proceedings on the remaining excessive-force claim.

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 James Gibson, C/A No. 6:25-cv-13954-JFA-MGB Plaintiff, v. ORDER Matthew Moseley, Defendant. James Gibson, (“Plaintiff”), proceeding pro se and in forma pauperis, filed this civil action pursuant to 42 U.S.C. § 1983, alleging violation of his constitutional rights.

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. The Magistrate Judge conducted a review of the Complaint pursuant to the procedural provisions of the Prison Litigation Reform Act (“PLRA”), Pub. L. No. 104-134, 110 Stat. 1321 (1996), including 28 U.S.C. § 1915 and 28 U.S.C. § 1915A, and prepared a thorough Report and Recommendation¹ (“Report”).

(ECF No. 8). Within the Report, the Magistrate Judge opines that Plaintiff’s excessive force claim should survive screening; however, the Report further recommends that Plaintiff’s malicious prosecution claim should be summarily dismissed. *Id.* The Report avers that because the state charges against 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). Plaintiff remain pending and therefore have not been favorably terminated, any malicious prosecution claim has yet to accrue. *Id.* at 6.

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 February 2, 2026. *Id.* The Magistrate Judge required Plaintiff to file objections by February 17, 2026.

Id. Plaintiff failed to file any objections and the time for doing so has elapsed. 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 indicates the Magistrate Judge correctly concluded Plaintiff's malicious prosecution claim is subject to summary dismissal.

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 incorporates it herein by reference. (ECF No. 8). Consequently, Plaintiff's malicious prosecution claim is dismissed without prejudice and without further leave to amend. This case shall be referred to the Magistrate Judge for further proceedings as it relates to Plaintiff's remaining excessive force claim.

IT IS SO ORDERED. March 5, 2026 Joseph F. Anderson, Jr. Columbia, South Carolina United States District Judge