

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PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown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)

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