

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, RICHMOND DIVISION**

Christopher Lumpkin v. Daugherty

Lumpkin · No. 3:23-cv-80-HEH · Decided December 22, 2025

OPINION

Christopher Lumpkin v. Daugherty

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

CHRISTOPHER LUMPKIN,)

Plaintiff, v. Civil Action No. 3:23-cv-80-HEH

DAUGHERTY,

Defendant.

MEMORANDUM OPINION

(Adopting Report and Recommendation and Dismissing Action) Christopher Lumpkin, a Virginia inmate proceeding pro se, brings this action under 42 U.S.C. § 1983, alleging that Defendant Daugherty, a former corrections officer at Sussex I State Prison, violated his Eighth Amendment rights by subjecting him to cruel and unusual punishment. The Clerk entered default against Defendant Daugherty on January 27, 2025. (ECF No. 50.) Plaintiff then moved for default judgment. (ECF No. 61.) The undersigned referred this matter to the Magistrate Judge for a Report and Recommendation on the Motion for Default Judgment, pursuant to 28 U.S.C. § 636(b)(1)(B), specifically to determine Lumpkin’s damages and to assess whether Lumpkin properly set forth the requisite factual and legal basis for the Court’s subject matter jurisdiction, personal jurisdiction, and venue. (ECF No. 49.) On October 3, 2025, United States Magistrate Judge Mark Colombell held an evidentiary hearing. On November 25, 2025, the Magistrate Judge issued a Report and Recommendation (ECF No. 78) recommending that Lumpkin had sufficiently proven his damages and recommending that the Court enter judgment for Lumpkin in the amount of \$3,000, consisting of \$2,000 in compensatory damages and \$1,000 in punitive damages. (Id. at 2.) The Magistrate Judge advised Lumpkin that he could file objections within fourteen (14) days after the entry of the Report and Recommendation. Lumpkin has not responded. “The magistrate makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court.” *Estrada v. Witkowski*, 816 F. Supp. 408, 410 (D.S.C. 1993) (citing *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976)). This Court “shall make a de novo determination of those portions of the report or specified

proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). “The filing of objections to a magistrate’s report enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties’ dispute.” *Thomas v. Arn*, 474 U.S. 140, 147 (1985). In the absence of a specific written objection, this Court may adopt a magistrate judge’s recommendation without conducting a de novo review. See *Diamond y. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 316 (4th Cir. 2005). There being no objections, the Report and Recommendation (ECF No. 78) will be accepted and adopted. The Motion for Default Judgment (ECF No. 61) will be granted. The Court awards Lumpkin \$3,000 in damages against Defendant Daugherty. The action will be dismissed. An appropriate Order will accompany this Memorandum Opinion. AeA, Henry E. Hudson Date* Dee. 22,2025 Senior United States District Judge Richmond, Virginia