

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Lawrence Terry v. Gobrand, Inc. d/b/a Gopuff and Voya Financial

Terry · No. 3:25-cv-14060-JFA-PJG · Decided April 10, 2026

SUMMARY

The United States District Court for the District of South Carolina declines to adopt the Magistrate Judge’s Report and Recommendation recommending summary dismissal of Lawrence Terry’s civil-rights action. Although Terry filed no objections, he submitted an amended complaint that appeared intended to cure deficiencies identified in the Report. Finding dismissal premature, the court recommits the matter to the Magistrate Judge 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	April 10, 2026
DOCKET	3:25-cv-14060-JFA-PJG
DISPOSITION	remanded
PROCEDURAL POSTURE	After a Magistrate Judge recommended summary dismissal for failure to state a plausible claim, the pro se plaintiff filed an amended complaint but no objections. The district court declined to adopt the Report and Recommendation and recommitted the matter to the Magistrate Judge for further proceedings.
STANDARD OF REVIEW	The district court conducts de novo review of portions of a magistrate judge's report to which specific objections are made and reviews unobjected-to portions for clear error; absent specific objections, the court need not provide an explanation for adopting the recommendation.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation
PARTIES	Lawrence Terry v. Gobrand, Inc. d/b/a Gopuff, Voya Financial

TOPICS

pleadings

motions to dismiss

civil procedure

civil rights

PRACTICE AREAS

Civil procedure

Civil rights

QUESTIONS PRESENTED

1. Whether the district court should adopt the Magistrate Judge's recommendation to summarily dismiss the action for failure to state a plausible claim when the pro se plaintiff filed a timely amended complaint addressing the identified pleading deficiencies.
2. What standard of review applies to portions of a Magistrate Judge's Report and Recommendation when the parties do or do not make specific objections.

HOLDINGS

1. Dismissal was premature because Plaintiff's post-Report amended complaint evidenced an attempt to cure the deficiencies in his prior pleadings and a desire to pursue his claims; the district court therefore declined to adopt the Report and Recommendation and recommitted the matter for further proceedings.
2. A district court must conduct de novo review of the specific portions of a Report and Recommendation to which specific objections are made; portions not specifically objected to are reviewed for clear error, and nonspecific or conclusory objections generally have the same effect as a failure to object.

KEY QUOTATIONS

"Mindful of Plaintiff's pro se status, the court finds dismissal premature at this time." (III)

"Accordingly, dismissal is premature at this time. This matter is therefore recommitted back to the Magistrate Judge for further proceedings." (IV)

FACTUAL BACKGROUND

Lawrence Terry, proceeding pro se, brought an action alleging civil-rights violations against Gobrand, Inc. d/b/a Gopuff and Voya Financial. The Magistrate Judge identified deficiencies including failure to exhaust and failure to plead sufficient facts supporting the claims. After the Report and Recommendation was issued, Terry filed an amended complaint apparently attempting to cure those deficiencies.

PROCEDURAL HISTORY

The action was referred to a Magistrate Judge for initial review under 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) of the District of South Carolina. The Magistrate Judge recommended dismissal based in part on failure to exhaust and failure to plead sufficient facts. Although Plaintiff did not object, he timely filed an amended complaint apparently attempting to cure the identified deficiencies. The district court found dismissal premature, declined to adopt the Report, and recommitted the matter for further proceedings.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The matter was recommitted to the Magistrate Judge for further proceedings. The district court declined to adopt the Report and Recommendation and did not dismiss the action at that time.

CASES CITED

- *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992)
- *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983)
- *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005)
- *Dunlap v. TM Trucking of the Carolinas, LLC*, No. 0:15-cv-04009-JMC, 2017 WL 6345402, at *5 n.6 (D.S.C. Dec. 12, 2017)
- *One Parcel of Real Prop. Known as 2121 E. 30th St.*, 73 F.3d 1057, 1059 (10th Cir. 1996)
- *Workman v. Perry*, No. 6:17-cv-00765-RBH, 2017 WL 4791150, at *1 (D.S.C. Oct. 23, 2017)
- *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982)
- *Staley v. Norton*, No. 9:07-0288-PMD, 2007 WL 821181, at *1 (D.S.C. Mar. 2, 2007)
- *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991)