

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Le’Andre Kajuan Richardson v. C.P.L. J. Gee (Jewelton Gee), Ofc. R.
Poston, and the Florence County Sheriff’s Office

Richardson v. Gee · No. 5:24-6520-BHH · Decided January 5, 2026

SUMMARY

The United States District Court for the District of South Carolina adopted a magistrate judge’s Report and Recommendation and dismissed the plaintiff’s civil rights action with prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b). The court found no clear error and noted that the plaintiff had not responded to the summary judgment motion, complied with court instructions, or filed objections to the Report.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Bruce H. Hendricks
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	January 5, 2026
DOCKET	5:24-6520-BHH
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge’s Report and Recommendation recommending dismissal with prejudice for failure to prosecute after Plaintiff failed to respond to Defendants’ motion for summary judgment and failed to comply with court instructions.
STANDARD OF REVIEW	When no specific objections are filed to a magistrate judge’s Report and Recommendation, the district court reviews the recommendation for clear error rather than conducting de novo review.
PRECEDENTIAL VALUE	Unknown
PARTIES	Le’Andre Kajuan Richardson v. C.P.L. J. Gee (Jewelton Gee), Ofc. R. Poston, Florence County Sheriff’s Office

TOPICS

civil procedure

summary judgment

prisoners rights

section 1983

civil rights

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

QUESTIONS PRESENTED

1. Whether the district court should review the magistrate judge's Report and Recommendation for clear error in the absence of specific objections.
2. Whether the action should be dismissed with prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b).

HOLDINGS

1. In the absence of specific objections, the district court reviews a magistrate judge's Report and Recommendation for clear error rather than conducting de novo review.
2. The action may be dismissed with prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b) when the plaintiff fails to respond to a motion and fails to comply with court instructions.

KEY QUOTATIONS

"The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court." (at 1)

"Finding none, the Court agrees with the Magistrate Judge for the reasons set forth in her Report, that this action against Defendants should be dismissed with prejudice for failure to prosecute, pursuant to Rule 41(b)." (at 2)

FACTUAL BACKGROUND

Plaintiff failed to respond to Defendants' motion for summary judgment and failed to comply with the court's instructions. The magistrate judge's Report and Recommendation was returned as undeliverable, and Plaintiff did not file objections. The district court concluded that Plaintiff had failed to keep the court advised of a change of address.

PROCEDURAL HISTORY

United States Magistrate Judge Kaymani D. West issued a Report and Recommendation on December 1, 2025, recommending dismissal with prejudice under Federal Rule of Civil Procedure 41(b). The Report advised the parties of their right to object, but Plaintiff filed no objections, and the Report was later returned as undeliverable. The district court reviewed the Report for clear error, found none, adopted it, and dismissed the action with prejudice.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270-71 (1976)
- Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005)

OPINION

Gee

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

Le'Andre Kajuan Richardson, #33557,)) Plaintiff,)) Civil Action No. 5:24-6520-BHH v.))
C.P.L. J. Gee (Jevlton Gee),) ORDER Ofc. R. Poston, and the Florence) County Sheriff's
Office,)) Defendants.) _____) This matter is before the Court

for review of the Report and Recommendation ("Report") of United States Magistrate Judge Kaymani D. West, which was made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 for the District of South Carolina. In her Report, which was filed on December 1, 2025, the Magistrate Judge noted that Plaintiff had failed to respond to Defendants' motion for summary judgment and had failed to comply with the Court's instructions. (ECF No. 67.) As a result, the Magistrate Judge recommends that the Court dismiss this case with prejudice for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (Id.) Attached to the Report was a notice advising the parties of the right to file written objections to the Report within fourteen days of receiving a copy. (Id. at 10.) On December 29, 2025, the Magistrate Judge's Report was returned to the Court as undeliverable and marked return to sender. (ECF No. 69.) 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 this Court. See Mathews v. Weber, 423 U.S. 261, 270-71

(1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. The Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objections are made. In the absence of specific objections, however, the Court reviews the matter only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'") (quoting Fed. R. Civ. P. 72 advisory committee's note). At this time, it appears that Plaintiff has

failed to keep the Court advised of a change of address, and Plaintiff has not filed any objections to the Report. Because no objections have been filed, the Court has reviewed the Magistrate Judge's findings and recommendations for clear error. Finding none, the Court agrees with the Magistrate Judge for the reasons set forth in her Report, that this action against Defendants should be dismissed with prejudice for failure to prosecute, pursuant to Rule 41(b). Accordingly, the Court adopts the Magistrate Judge's Report (ECF No. 67) and incorporates it herein, and the Court dismisses this action with prejudice. IT IS SO ORDERED. /s/Bruce H. Hendricks United States District Judge January 5, 2026 Charleston, South Carolina 2