

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Wanda H. v. Commissioner of Social Security Administration

Wanda H. · No. 8:26-1465-BHH · Decided May 29, 2026

SUMMARY

The United States District Court for the District of South Carolina adopted a magistrate judge’s report and recommendation and summarily dismissed without prejudice a pro se action seeking Social Security retirement benefits. The court concluded that the action was premature because the plaintiff had not exhausted administrative remedies and that her claims were also based on a frivolous sovereign-citizen theory; the dismissal mooted the Commissioner’s motion to dismiss.

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	May 29, 2026
DOCKET	8:26-1465-BHH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se action seeking Social Security retirement benefits; the district court reviewed a magistrate judge's report and recommendation after no objections were filed.
STANDARD OF REVIEW	In the absence of specific objections, review of the magistrate judge's report and recommendation was for clear error; specific objections would have required de novo review of the challenged portions under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	Unknown; district court order identified as per curiam and no precedential designation appears in the text.

TOPICS

- exhaustion of remedies
- judicial review of agency action
- administrative law
- motions to dismiss
- civil procedure

PRACTICE AREAS

Social Security

administrative law

civil procedure

QUESTIONS PRESENTED

1. Whether the magistrate judge's recommendation should be adopted when Plaintiff filed no objections.
2. Whether the action was premature because Plaintiff had not obtained a final decision from the Commissioner or exhausted administrative remedies.
3. Whether claims based on a sovereign-citizen theory were subject to dismissal as frivolous.

HOLDINGS

1. When no specific objections are filed, the district court reviews the report and recommendation for clear error rather than conducting de novo review.
2. A Social Security action is premature and subject to dismissal without prejudice when the claimant has not received a final decision from the Commissioner and has not exhausted administrative remedies.
3. Claims premised on a frivolous sovereign-citizen theory are subject to dismissal.

KEY QUOTATIONS

“The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court.” (at 1)

“Here, because no objections were filed, the Court has reviewed the record and the findings and recommendations of the Magistrate Judge for clear error.” (at 2)

“Finding none, the Court hereby adopts and specifically incorporates the Report (ECF No. 4), and the Court summarily dismisses this action without prejudice, thereby mooted the Commissioner’s motion to dismiss (ECF No.6).” (at 2)

FACTUAL BACKGROUND

Plaintiff, proceeding pro se, sought Social Security retirement benefits. At the time of the action, the Commissioner had not issued a final decision on her claim. Her claims also relied on a sovereign-citizen legal theory, which the magistrate judge characterized as frivolous.

PROCEDURAL HISTORY

Plaintiff filed a complaint against the Commissioner of Social Security asserting entitlement to retirement benefits. A magistrate judge recommended dismissal because Plaintiff had not received a final administrative decision and had not exhausted administrative remedies, and because the claims rested on a frivolous sovereign-citizen theory. Plaintiff filed no objections. The district court reviewed the recommendation for clear error, adopted it, and summarily dismissed the action without prejudice, mooting the Commissioner's motion to dismiss.

DISPOSITION

dismissed

CASES CITED

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

OPINION

Wanda H. v. Commissioner of Social Security Administration

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

Wanda H.,¹) Civil Action No.: 8:26-1465-BHH) Plaintiff,)) v.) ORDER) Commissioner of
Social Security) Administration,)) Defendant.) _____) This
matter is before the Court on Plaintiff's ("Plaintiff") pro se complaint against the Commissioner of
Social Security, wherein she asserts that she is entitled to Social Security retirement benefits. The
record includes the report and recommendation ("Report") of a United States Magistrate Judge,
which was made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B) (D.S.C.).
In the Report, which was filed on April 22, 2026, the Magistrate Judge outlined Plaintiff's prior
civil actions as well as her claims in this case. After review, the Magistrate Judge explained that
Plaintiff has not yet received a final decision of the Commissioner, such that this action is subject
to dismissal as premature because Plaintiff has not exhausted her administrative remedies. (ECF
No. 4 at 11-13.) Additionally, the Magistrate Judge explained that Plaintiff's claims are subject to
dismissal because they are premised on a frivolous legal theory, i.e., the "sovereign citizen" theory.
(Id. at 13-15.) Attached to the Magistrate Judge's Report was a notice advising Plaintiff of the
right to file written objections to the Report within fourteen days of being served with a copy. To 1
The Committee on Court Administration and Case Management of the Judicial Conference of the
United States has recommended that, due to significant privacy concerns in Social Security cases,
federal courts should refer to claimants only by their first names and last initials. date, no
objections have been filed. The Magistrate Judge makes only a recommendation to the 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). The Court is charged with
making a de novo determination only of those portions of the Report to which specific objections
are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of
the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C.
§ 636(b)(1). In the absence of specific objections, 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). Here, because no objections were filed, the Court has reviewed the record and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the Court hereby adopts and specifically incorporates the Report (ECF No. 4), and the Court summarily dismisses this action without prejudice, thereby mooted the Commissioner’s motion to dismiss (ECF No.6). IT IS SO ORDERED. /s/Bruce H. Hendricks United States District Judge May 29, 2026 Charleston, South Carolina 2