

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH  
CAROLINA

**Brian Victor Charles v. Birgit Boehm; Sebastian Mackensen; John  
Minshew; Joey Vause; BMW Financial Services, NA, LLC; BMW of  
North America; BMW Vehicle Owner Trust 2020-A; BMW Florence;  
Does 1–100, Inclusive**

Charles · No. 4:25-cv-0895-JD-KDW · Decided January 20, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts a magistrate judge’s Report and Recommendation and dismisses Brian Victor Charles’s Second Amended Complaint without prejudice and without issuance and service of process. The court concludes that the complaint fails to state a claim, does not establish federal subject-matter jurisdiction, and relies on legally frivolous theories concerning the repossession of a vehicle. The court also declines to consider a later amended complaint filed without leave and determines that amendment would be futile.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                   |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of South Carolina                                                                                                                                                                                                                                                                   |
| WRITING FOR THE COURT | Joséph Dawson, III                                                                                                                                                                                                                                                                                                                |
| JURISDICTION          | United States District Court for the District of South Carolina                                                                                                                                                                                                                                                                   |
| DECIDED               | January 20, 2026                                                                                                                                                                                                                                                                                                                  |
| DOCKET                | 4:25-cv-0895-JD-KDW                                                                                                                                                                                                                                                                                                               |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal of Plaintiff's Second Amended Complaint during screening. Plaintiff filed no specific objections and later submitted an unauthorized amended complaint.                                                                         |
| STANDARD OF REVIEW    | The district court conducts a de novo determination of portions of a magistrate judge's Report and Recommendation to which specific objection is made. In the absence of specific objections, the court is not required to provide an explanation for adopting the recommendation and reviews the recommendation for clear error. |
|                       |                                                                                                                                                                                                                                                                                                                                   |

## TOPICS

subject matter jurisdiction

pleadings

civil procedure

appellate procedure

standard of review

## PRACTICE AREAS

civil procedure

federal jurisdiction

appellate procedure

consumer finance

contracts

## QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation when Plaintiff filed no specific objections.
2. Whether Plaintiff's Second Amended Complaint should be dismissed for failure to state a claim and failure to establish federal subject-matter jurisdiction.
3. Whether the court should consider Plaintiff's later-filed amended complaint submitted without leave after the court had warned that no further amendment would be permitted.

## HOLDINGS

1. Because Plaintiff filed no specific objections within the prescribed period, the district court was not required to provide an explanation for adopting the Report and Recommendation and found no clear error warranting rejection or modification.
2. The Second Amended Complaint was properly dismissed without prejudice because it failed to state a claim upon which relief could be granted and failed to establish federal subject-matter jurisdiction.
3. The court properly declined to consider Plaintiff's later-filed amended complaint because it was submitted without leave of court after Plaintiff had been expressly warned that no further amendment would be permitted.

## KEY QUOTATIONS

*"It is, therefore, ORDERED that this action is DISMISSED WITHOUT PREJUDICE and without issuance and service of process."* (Section E)

*"An amendment would, therefore, be futile."* (Section D)

## FACTUAL BACKGROUND

Plaintiff's claims arose from the repossession of a vehicle and included numerous federal and state-law theories. His pleadings relied in part on purported bills of exchange, tacit acquiescence, and unilateral contractual instruments. After being advised twice of pleading deficiencies and warned that no further amendment would be permitted, Plaintiff filed a Second Amended Complaint that still failed to state a cognizable claim or establish federal jurisdiction.

## PROCEDURAL HISTORY

Plaintiff proceeded pro se and filed an original Complaint, an Amended Complaint, and a Second Amended Complaint arising from the repossession of a vehicle. The magistrate judge recommended dismissal without prejudice and without issuance and service of process for failure to state a claim and failure to establish federal subject-matter jurisdiction. After the objection period expired without objections, the district court adopted the Report and Recommendation in its entirety and dismissed the action without prejudice.

#### DISPOSITION

dismissed

#### CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270–71 (1976)
- United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984)
- Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Thomas v. Arn, 474 U.S. 140, 147 (1985)
- Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)