

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA, CHARLESTON DIVISION

Michael Cannady v. Kathy White and Shana Peeler

Cannady · No. 2:25-cv-08140-JDA · Decided April 6, 2026

SUMMARY

The United States District Court for the District of South Carolina reviewed a magistrate judge’s Report and Recommendation recommending summary dismissal of Michael Cannady’s action. After finding no clear error and noting the absence of objections, the court accepted the recommendation and dismissed the action without issuance or service of process, without leave to amend, and without prejudice.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Charleston Division
WRITING FOR THE COURT	Jacquelyn D. Austin
JURISDICTION	United States District Court for the District of South Carolina, Charleston Division
DECIDED	April 6, 2026
DOCKET	2:25-cv-08140-JDA
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending summary dismissal of Plaintiff's action without further leave to amend. Plaintiff filed no objections, and the district court accepted the recommendation after reviewing the record for clear error.
STANDARD OF REVIEW	In the absence of timely objections to a magistrate judge's Report and Recommendation, the district court reviews the recommendation for clear error on the face of the record. Specific objections would require de novo review of the challenged portions.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district court opinion and order
PARTIES	Michael Cannady v. Kathy White, Shana Peeler

TOPICS

motions to dismiss

pleadings

civil procedure

PRACTICE AREAS

civil procedure

federal civil rights litigation

QUESTIONS PRESENTED

1. What standard of review applies when a party does not object to a magistrate judge's Report and Recommendation?
2. Whether the court should accept the magistrate judge's recommendation and dismiss the action without leave to amend and without prejudice.

HOLDINGS

1. When no timely objection is filed to a magistrate judge's Report and Recommendation, the district court need not conduct de novo review and instead must determine whether the recommendation contains clear error on the face of the record.
2. The court accepted the magistrate judge's Report and Recommendation and dismissed the action without issuance and service of process, without leave to amend, and without prejudice.

KEY QUOTATIONS

“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”

FACTUAL BACKGROUND

Michael Cannady filed a civil action against Kathy White and Shana Peeler. The magistrate judge recommended summary dismissal without further leave to amend. Cannady did not file objections to the recommendation, and the objection period expired.

PROCEDURAL HISTORY

Plaintiff filed a complaint against Kathy White and Shana Peeler. The matter was referred to Magistrate Judge Mary Gordon Baker for pretrial proceedings, and the magistrate judge recommended that the action be summarily dismissed without further leave to amend. Plaintiff did not object within the applicable period. The district court accepted the Report and Recommendation and dismissed the action without issuance and service of process, without leave to amend, and without prejudice.

DISPOSITION

dismissed

CASES CITED

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

OPINION

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA CHARLESTON DIVISION Michael Cannady,) Case No. 2:25-cv-08140-JDA) Plaintiff,)) v.) OPINION AND ORDER) Kathy White, Shana Peeler,)) Defendants.)) This matter is before the Court on Plaintiff's Complaint and a Report and Recommendation ("Report") of the Magistrate Judge. [Docs.

1; 12.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Mary Gordon Baker for pre-trial proceedings. On February 25, 2026, the Magistrate Judge issued a Report recommending that Plaintiff's action be summarily dismissed without further leave to amend. [Doc. 12.]

The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. [Id. at 10.] Plaintiff has not filed objections and the time to do so has lapsed.

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. Mathews v. Weber, 423 U.S. 261, 270–71 (1976).

The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b).

The Court will review the Report only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins., 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" (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference.

Accordingly, this action is DISMISSED without issuance and service of process, without leave to amend, and without prejudice. IT IS SO ORDERED. s/ Jacquelyn D. Austin United States District Judge April 6, 2026 Charleston, South Carolina NOTICE OF RIGHT TO APPEAL The parties are

hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

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