

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Scarlett Lopez v. Dakota Ramseur

Lopez · No. 6:26-cv-00069-TMC · Decided February 4, 2026

SUMMARY

The United States District Court for the District of South Carolina adopted the magistrate judge’s Report and Recommendation after Plaintiff Scarlett Lopez failed to file objections. The court dismissed the action without prejudice, without leave to amend, and without issuance or service of process.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Timothy M. Cain
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	February 4, 2026
DOCKET	6:26-cv-00069-TMC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal without prejudice, without leave to amend, and without issuance and service of process. Plaintiff filed no specific objections.
STANDARD OF REVIEW	When no timely specific objections are filed to a magistrate judge's Report and Recommendation, the district court need not conduct de novo review and need only satisfy itself that there is no clear error on the face of the record before accepting the recommendation.
PRECEDENTIAL VALUE	unknown
PARTIES	Scarlett Lopez v. Dakota Ramseur

TOPICS

- appellate procedure
- standard of review
- waiver
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. What standard of review applies when a party fails to file timely specific objections to a magistrate judge's Report and Recommendation?
2. Whether the district court should adopt the magistrate judge's recommendation and dismiss the action without prejudice, without leave to amend, and without issuance and service of process.

HOLDINGS

1. When no timely specific objections are filed to a magistrate judge's Report and Recommendation, the district court need not conduct de novo review and need only determine whether there is clear error on the face of the record.
2. Failure to file specific written objections to a magistrate judge's Report and Recommendation waives the party's right to appeal the district court's judgment based on that recommendation.
3. The district court adopted the magistrate judge's recommendation and dismissed the action without prejudice, without leave to amend, and without issuance and service of process.

KEY QUOTATIONS

"The district court is only required to review de novo those portions of the report to which specific objections have been made, and need not conduct de novo review 'when a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate judge's proposed findings and recommendations.'"

"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

The action was brought by Scarlett Lopez against Dakota Ramseur. The magistrate judge recommended dismissal without prejudice, without leave to amend, and without issuance and service of process. The Report was mailed to Lopez's last known address, was not returned as undeliverable, and Lopez filed no objections.

PROCEDURAL HISTORY

The magistrate judge issued a Report and Recommendation recommending dismissal of the action. The Report was mailed to Plaintiff's last known address, was not returned as undeliverable, and Plaintiff did not file objections within the permitted period. The district court reviewed the record for clear error, adopted the recommendation in full, and dismissed the action without prejudice, without leave to amend, and without issuance and service of process.

DISPOSITION

dismissed

CASES CITED

- Wimmer v. Cook, 774 F.2d 68, 72 (4th Cir. 1985)
- Mathews v. Weber, 423 U.S. 261, 270-71 (1976)
- Farmer v. McBride, 177 Fed. App'x 327, 330-31 (4th Cir. 2006)
- Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)
- Elijah v. Dunbar, 66 F.4th 454, 460 (4th Cir. 2023)
- United States v. Midgett, 478 F.3d 616, 622 (4th Cir. 2007)
- Lockert v. Faulkner, 843 F.2d 1015, 1019 (7th Cir. 1988)
- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Greenspan v. Brothers Property Corp., 103 F. Supp. 3d 734, 737 (D.S.C. 2015)
- Camby v. Davis, 718 F.2d 198, 199-200 (4th Cir. 1983)
- Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION Scarlett Lopez,)) Plaintiff,) Civil Action No. 6:26-cv-00069-TMC)
vs.) ORDER) Dakota Ramseur,)) Defendant.) _____) Now
before the court is the magistrate judge's Report and Recommendation ("Report"), recommending
the district court dismiss this action without prejudice, without leave to amend, and without
issuance and service of process.

(ECF No. 8). The magistrate judge notified Plaintiff Scarlett Lopez of her right to file objections to
the Report. Id. at 16. The Clerk's Office mailed the Report to Plaintiff's last known address, (ECF
No. 11), and it has not been returned to the court as undeliverable.

Therefore, she is presumed to have received it. Still, Plaintiff has failed to file objections to the
Report, and the time in which to do so has expired. The magistrate judge's recommendation has no
presumptive weight, and the responsibility for making a final determination remains with the
United States District Court. Wimmer v. Cook, 774 F.2d 68, 72 (4th Cir.

1985) (quoting Mathews v. Weber, 423 U.S. 261, 270–71 (1976)). Nevertheless, "[t]he district
court is only required to review de novo those portions of the report to which specific objections
have been made, and need not conduct de novo review 'when a party makes general and
conclusory objections that do not direct the court to a specific error in the magistrate judge's
proposed findings and recommendations.'" Farmer v. McBride, 177 Fed.

App'x 327, 330–31 (4th Cir. 2006) (quoting *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982)); see also *Elijah v. Dunbar*, 66 F.4th 454, 460 (4th Cir. 2023) (noting “an objecting party ‘must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection’” and “‘an objection stating only ‘I object’ preserves no issue for review’” (quoting *United States v. Midgette*, 478 F.3d 616, 622 (4th Cir.

2007); *Lockert v. Faulkner*, 843 F.2d 1015, 1019 (7th Cir. 1988))). Thus, “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.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir.

2005) (quoting Fed. R. Civ. P. 72 Advisory Committee’s note). The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

However, in the absence of specific objections to the Report and Recommendation, this court is not required to give any explanation for adopting the recommendation. *Greenspan v. Bros. Prop. Corp.*, 103 F. Supp. 3d 734, 737 (D.S.C. 2015) (citing *Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983)). Furthermore, failure to file specific written objections to the Report results in a party’s waiver of the right to appeal the district court’s judgment based upon that recommendation.

See *Elijah*, 66 F.4th at 460 (quoting *Lockert*, 843 F.2d at 1019); *Martin v. Duffy*, 858 F.3d 239, 245 (4th Cir. 2017). Therefore, having reviewed the Report and finding no clear error, the court agrees with, and wholly ADOPTS the magistrate judge’s recommendation in the Report. (ECF No. 8).

Accordingly, the court DISMISSES this action without prejudice, without leave to amend, and without issuance and service of process. IT IS SO ORDERED. s/Timothy M. Cain Chief United States District Judge Anderson, South Carolina February 4, 2026 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.