

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Sean Goins v. Director Ray

Goins · No. 5:25-cv-02195-TMC · Decided March 20, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts in part a magistrate judge’s Report and Recommendation in Sean Goins’s 42 U.S.C. § 1983 action. The court dismisses the action without prejudice for failure to prosecute and dismisses the defendant’s motion for summary judgment as moot.

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	March 20, 2026
DOCKET	5:25-cv-02195-TMC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a pro se, in forma pauperis action under 42 U.S.C. § 1983. After Plaintiff failed to respond to Defendant's summary-judgment motion or to the magistrate judge's extended deadline and Report and Recommendation, the district court reviewed the recommendation for clear error and dismissed the action without prejudice.
STANDARD OF REVIEW	In the absence of specific objections to a magistrate judge's Report and Recommendation, the district court need only determine whether there is clear error on the face of the record. Specific objections would require de novo review of the challenged portions.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Sean Goins v. Director Ray

TOPICS

- section 1983
- summary judgment
- civil procedure

PRACTICE AREAS

civil rights

civil procedure

prisoner litigation

QUESTIONS PRESENTED

1. Whether the district court should accept the magistrate judge's recommendation after Plaintiff failed to file specific objections.
2. Whether the action should be dismissed for Plaintiff's failure to prosecute and failure to respond to the court's orders.
3. Whether the dismissal should be with or without prejudice.
4. Whether Defendant's pending motion for summary judgment remained justiciable after dismissal of the action.

HOLDINGS

1. When no timely specific objections are filed, the district court need not conduct de novo review and may accept the recommendation after satisfying itself that there is no clear error on the face of the record.
2. The action was properly dismissed for Plaintiff's failure to prosecute after he failed to respond to the summary-judgment motion, the magistrate judge's additional deadline, and the Report and Recommendation.
3. The action was dismissed without prejudice rather than with prejudice.
4. Defendant's motion for summary judgment was dismissed as moot after the action itself was dismissed.

KEY QUOTATIONS

"The magistrate judge's recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court."

"Accordingly, the court DISMISSES this action without prejudice."

"The defendant's motion for summary judgment (ECF No. 36) is hereby DISMISSED AS MOOT."

FACTUAL BACKGROUND

Sean Goins filed a pro se § 1983 action while proceeding in forma pauperis. Defendant Director Ray filed a motion for summary judgment, and the court warned Goins of the response requirements and consequences under *Roseboro v. Garrison*. Goins filed no response by the deadline and failed to respond after receiving additional time and notice that dismissal for failure to prosecute would be recommended; the Report and Recommendation was also returned as undeliverable.

PROCEDURAL HISTORY

The matter was referred to a magistrate judge for pretrial handling under 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2)(e). Defendant moved for summary judgment, but Plaintiff did not respond despite a *Roseboro* notice and an additional opportunity to respond. The magistrate judge recommended dismissal with prejudice for

failure to prosecute. The district court found no clear error, adopted the recommendation in part, modified the dismissal to be without prejudice, and dismissed the summary-judgment motion as moot.

DISPOSITION

dismissed

CASES CITED

- Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975)
- 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 Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Greenspan v. Bros. Prop. 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
ORANGEBURG DIVISION Sean Goins,)) Plaintiff,) Civil Action No. 5:25-cv-02195-TMC)
vs.) ORDER) Director Ray,)) Defendant.) _____) Plaintiff
Sean Goins, proceeding pro se and in forma pauperis, (ECF No. 12), filed this action pursuant to
42 U.S.C. § 1983, (ECF No. 1).

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2)(e) (D.S.C.), this matter was referred to a magistrate judge for pretrial handling. Defendant Director Ray filed a motion for summary judgment, (ECF No. 36), and the court issued an order pursuant to *Roseboro v. Garrison*, 528 F.2d. 309 (4th Cir. 1975), informing Plaintiff of the summary judgment procedures and of the possible consequences for failing to respond adequately to the motion, (ECF No. 37).

Despite such warnings, Plaintiff filed no response by the deadline set forth in the *Roseboro* order. Thereafter, the magistrate judge entered an order giving Plaintiff additional time to respond and advising Plaintiff that if he failed to file a response within the time allotted, the magistrate judge would recommend dismissal with prejudice for failure to prosecute.¹ (ECF No. 41).

Now before the court is the magistrate judge's Report and Recommendation ("Report"), recommending the district court dismiss this action with prejudice. Several documents that have been mailed to Plaintiff have been returned to the court as "undeliverable." (ECF Nos. 35, 40, 43).

However, it is Plaintiff's responsibility to keep the court informed of any change of address. This responsibility was noted in the proper form order, which was not returned to the court, and which Plaintiff is presumed to have received. (ECF No. 11 at 3).

In fact, after the entry of the proper form order, Plaintiff did later advise the court of a change of address early on in the case. (ECF No. 23). for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (ECF No. 44).

The magistrate judge notified Plaintiff of his right to file objections to the Report. *Id.* at 4. The Clerk's Office mailed the Report to Plaintiff's last known address, (ECF No. 45), and it was returned to the court as undeliverable, (ECF No. 46).

The note on the returned envelope states "Return to Sender. Refused. Unable to Forward." *Id.* at 1. Thus, unsurprisingly, Plaintiff failed to file objections to the Report, and the time 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 IN PART2 the magistrate judge's recommendation. (ECF No. 44).

Accordingly, the court DISMISSES this action without prejudice. The defendant's motion for summary judgment (ECF No. 36) is hereby DISMISSED AS MOOT. IT IS SO ORDERED.
s/Timothy M. Cain Chief United States District Judge Anderson, South Carolina March 20, 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.

2 As stated, the magistrate judge recommends the court dismiss with prejudice; however, the court finds a dismissal without prejudice to be appropriate here.