

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Timothy Trejo-Vigil v. SCDC/Various, et al.

Trejo-Vigil · No. 8:25-12370-RMG · Decided December 30, 2025

SUMMARY

The United States District Court for the District of South Carolina adopted in part a magistrate judge’s Report and Recommendation and dismissed Timothy Trejo-Vigil’s civil-rights action for failure to prosecute under Federal Rule of Civil Procedure 41(b). The dismissal was based on the plaintiff’s failure to submit an amended complaint after an order was returned as undeliverable, and the court did not reach the alternative ground of failure to state a claim.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Richard Mark Gergel
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	December 30, 2025
DOCKET	8:25-12370-RMG
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal for failure to prosecute or, alternatively, failure to state a claim. The plaintiff filed no timely objections.
STANDARD OF REVIEW	The district court conducts de novo review of portions of a magistrate judge's Report and Recommendation to which specific objections are made; absent timely specific objections, review is limited to clear error. The court independently determines whether dismissal for failure to prosecute is warranted.
PRECEDENTIAL VALUE	unpublished
PARTIES	Timothy Trejo-Vigil v. SCDC/Various, et al.

TOPICS

- civil procedure
- pleadings

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41(b) after Plaintiff failed to file an amended complaint as ordered.
2. What standard of review applies to the magistrate judge's Report and Recommendation when no timely objections are filed.

HOLDINGS

1. When a party does not timely file specific objections to a magistrate judge's Report and Recommendation, the district court conducts only limited clear-error review and the party waives the right to appellate review of the district court's order based on the recommendation.
2. A civil action may be dismissed under Federal Rule of Civil Procedure 41(b) when the plaintiff fails to prosecute by failing to comply with an order requiring an amended complaint, particularly after receiving warnings about the consequence of noncompliance.
3. Liberal construction of a pro se complaint does not permit the court to disregard a clear failure to allege facts supporting a viable federal claim or to assume a genuine issue of material fact where none exists.

KEY QUOTATIONS

“dismisses this action pursuant to Rule 41(b) for failure to prosecute.” (at 3)

FACTUAL BACKGROUND

Plaintiff, formerly an inmate in the South Carolina Department of Corrections, sued SCDC employees for alleged constitutional-rights violations. The magistrate judge ordered him to file an amended complaint and warned that failure to do so would result in a recommendation for summary dismissal. The order was returned as undeliverable after Plaintiff had twice been advised to keep his address current, and he did not timely file an amended complaint or objections.

PROCEDURAL HISTORY

Plaintiff filed a civil-rights action against SCDC employees. The magistrate judge ordered Plaintiff to file an amended complaint after warning that the original complaint was subject to summary dismissal. The order was returned as undeliverable, and Plaintiff did not file the amended complaint or timely object to the Report and Recommendation. The district court adopted the portion of the Report and Recommendation addressing failure to prosecute and dismissed the action under Federal Rule of Civil Procedure 41(b).

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270-71 (1976)
- Cruz v. Beto, 405 U.S. 319 (1972)
- Haines v. Kerner, 404 U.S. 519 (1972)
- Weller v. Department of Social Services, 901 F.2d 387 (4th Cir. 1990)

OPINION

IN THE UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA Timothy Trejo-Vigil, Case No. 8:25-12370-RMG Plaintiff, v. ORDER SCDC/ Various, et al., Defendants. This matter is before the Court on the Report and Recommendation (“R&R”) of the Magistrate Judge (Dkt. No. 19) recommending that this action be dismissed for failure to prosecute or, in the alternative, for failure to state a claim.

Plaintiff was advised that a failure to timely file objections to the R & R would result in limited clear error review and a waiver of the right to appeal the District Court’s order. (Id. at 13). Plaintiff filed no timely objections to the R & R. I. Background Plaintiff, then an inmate at the South Carolina Department of Corrections (SCDC), filed a civil action against a number of SCDC employees for alleged violation of his constitutional rights.

The Magistrate Judge advised Plaintiff by order dated November 13, 2025 that the complaint was subject to summary dismissal and that he needed to submit an amended complaint. (Dkt. No. 16). Plaintiff was warned that a failure to submit an amended complaint would result in a recommendation to the District Court for the summary dismissal of the action. (Id. at 8).

The order was mailed to the address Plaintiff provided at the SCDC Broad River Correctional Institution. The order was returned as undeliverable. Plaintiff had twice been advised of the need to keep his address current with the Court. (Dkt. Nos. 7 at 2-3; 13 at 2). 1 II. Legal Standards A. Magistrate’s Report and Recommendation The Magistrate Judge makes only a recommendation to this Court.

The recommendation has no presumptive weight, and the responsibility for making 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 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). B. Pro Se Pleadings This Court liberally construes complaints filed by pro se litigants to allow the development of a potentially meritorious case. See Cruz v. Beto, 405 U.S. 319 (1972); Haines v. Kerner, 404 U.S. 519 (1972).

The requirement of liberal construction does not mean that the Court can ignore a clear failure in the pleadings to allege facts which set forth a viable federal claim, nor can the Court assume the existence of a genuine issue of material fact where none exists. See *Weller v. Dep't of Social Services*, 901 F.2d 387 (4th Cir. 1990). III. Discussion The Court finds that the Magistrate Judge ably addressed the factual and legal issues regarding Plaintiff's failure to prosecute and correctly concluded that the case was subject to summary dismissal due to his failure to timely submit an amended complaint in response to the November 13, 2025 order.

In light of the Court's conclusion that the case is subject to summary dismissal, the Court finds it unnecessary to address the dismissal of the action for failure to state a claim. 2 Conclusion For the reasons set forth above, the Court ADOPTS a portion of the R & R relating to the failure to prosecute (Dkt. No. 19 at 1-8) as the order of the Court and dismisses this action pursuant to Rule 41(b) for failure to prosecute.

AND IT IS SO ORDERED. s/ Richard Mark Gergel Richard Mark Gergel United States District Judge December 30, 2025 Charleston, South Carolina 3