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Apr 10 2026

SC Court of Appeals

U.S. District Court
District of South Carolina

Notice of Electronic Filing

The following transaction was entered on 4/9/2026 at 3:12 PM EDT and filed on 4/9/2026

Case Name: Collins, Jr. v. Massey et al

Case Number: [2:26-mc-00086-RMG](#)

Filer:

Document Number: [16](#)

Docket Text:

ORDER AND OPINION RULING ON REPORT AND RECOMMENDATION The R&R is ADOPTED (Dkt. No. [14]) as the Order of the Court, this action is DISMISSED WITHOUT LEAVE TO AMEND, and Petitioner's "Plea of Release and Equitable Tender" (Dkt. No. [5]) is DISMISSED AS MOOT. AND IT IS SO ORDERED. Signed by Honorable Richard M Gergel on 4/9/2026. (sshe,)

2:26-mc-00086-RMG Notice has been electronically mailed to:

2:26-mc-00086-RMG Notice will not be electronically mailed to:

Samuel Tucker Collins, Jr.
2398 Hotel Street
Alcolu, SC 29001

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1091130295 [Date=4/9/2026] [FileNumber=13065678-0]
] [d285946095d5833e6ed6d955e49b4648d259c00114e0dc40bbfed62c6e27814fdae
2190f8430d7258a1fe085444e01df256c3ee0552c93e36b6342a595dc2c2c]]

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U.S. District Court

District of South Carolina

Notice of Electronic Filing

The following transaction was entered on 04/09/2026 at 3:26:02 PM EDT and filed on 04/09/2026

Case Name: Collins v. West Palmetto Holdings et al

Case Number: [2:26-cv-01107-RMG](#)

Filer:

Document Number: [10](#)

Docket Text:

ORDER RULING ON REPORT AND RECOMMENDATION The R&R (Dkt. No. [7]) is **ADOPTED** as the Order of the Court, this action is **REMANDED** to the South Carolina Court of Appeals, and Appellant's motion for declaratory and injunctive relief (Dkt. No. [2]) and emergency motion for temporary restraining order and stay of writ of ejectment (Dkt. No. [3]) are **DISMISSED AS MOOT. AND IT IS SO ORDERED.** Clerk's Notice: Pro Se Appellant Samuel Tucker Collins, Jr. is responsible for supplementing the State Record (South Carolina Court of Appeals) with all documents filed in Federal Court. Signed by Honorable Richard M Gergel on 4/9/2026. (sshe,)

2:26-cv-01107-RMG Notice has been electronically mailed to:

2:26-cv-01107-RMG Notice will not be electronically mailed to:

Samuel Tucker Collins, Jr
2398 Hotel Street
Alcolu, SC 29001

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1091130295 [Date=4/9/2026] [FileNumber=13065786-0] [31375600c1d6ca77058eaf57c58e870d810bfe42b897d5f62db5b526f3f2eeea10508d878b8e1bf3a0ceef5f6c4f8d03f920394f324286f05e2d189352397c3f]]

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SC Court of Appeals

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Samuel Tucker Collins, Jr.,

Petitioner,

v.

Rebecca Massey and Shanita Brangman,

Respondents.

Case No. 2:26-mc-00086-RMG

ORDER AND OPINION



A TRUE COPY
ATTEST: ROBIN L. BLUME, CLERK

BY: *Sandra S. Shealy*

DEPUTY CLERK

This matter is before the Court upon the Report and Recommendation (“R&R”) of the Magistrate Judge (Dkt. No. 14), recommending that the Court dismiss this action without leave to amend and that it dismiss as moot Petitioner’s “Plea of Release and Equitable Tender” (Dkt. No. 5). Petitioner was given notice that he had 14 days from the date of the R&R to file any objection, which, with three additional days for mailing, required the filing of objections on or before April 6, 2026. (Dkt. No. 14 at 11). The Court has received no objections. For the reasons set forth below, the Court adopts the R&R as the Order of the Court, dismisses this action without leave to amend, and dismisses as moot Petitioner’s “Plea of Release and Equitable Tender.”

I. Legal Standard

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. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a de novo determination of those portions of the R&R to which specific objections are made. *See* 28 U.S.C. § 636(b)(1). Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* Where the petitioner fails to

timely file any specific objections, “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) (citation and punctuation omitted).

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, 322 (1972); *Haines v. Kerner*, 404 U.S. 519, 520-21 (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 Soc. Servs.*, 901 F.2d 387, 391 (4th Cir. 1990) (citation omitted).

II. Discussion

After a careful review of the record and the R&R, the Court finds that the Magistrate Judge ably summarized the legal and factual issues in this matter and correctly concluded that this action should be dismissed without leave to amend and that Petitioner’s “Plea of Release and Equitable Tender” should be dismissed as moot.

III. Conclusion

For the foregoing reasons, the R&R is **ADOPTED** (Dkt. No. 14) as the Order of the Court, this action is **DISMISSED WITHOUT LEAVE TO AMEND**, and Petitioner’s “Plea of Release and Equitable Tender” (Dkt. No. 5) is **DISMISSED AS MOOT**.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

April 9, 2026
Charleston, South Carolina

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Apr 10 2026

SC Court of Appeals

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Samuel Tucker Collins, Jr.,

Appellant,

v.

West Palmetto Holdings and Clarendon
County Magistrate Court,

Respondents.

Case No. 2:26-cv-01107-RMG

ORDER



A TRUE COPY
ATTEST: ROBIN L. BLUME, CLERK

BY: *Sandra J. Shealy*

DEPUTY CLERK

This matter is before the Court upon the Report and Recommendation (“R&R”) of the Magistrate Judge (Dkt. No. 7), recommending that the Court remand this action to the South Carolina Court of Appeals for lack of subject-matter jurisdiction, as well as dismiss as moot Appellant’s motion for declaratory and injunctive relief (Dkt. No. 2) and emergency motion for temporary restraining order and stay of writ of ejectment (Dkt. No. 3). Appellant was given notice that he had 14 days from the date of the R&R to file any objection, which, with three additional days for mailing, required the filing of objections on or before April 6, 2026. (Dkt. No. 7 at 12). The Court has received no objections. For the reasons set forth below, the R&R is adopted as the Order of the Court, this action is remanded to the South Carolina Court of Appeals, and Appellant’s motion for declaratory and injunctive relief and emergency motion for temporary restraining order and stay of writ of ejectment are dismissed as moot.

I. Legal Standard

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. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a de novo determination of those portions of the R&R to which specific objections are made. *See* 28 U.S.C. § 636(b)(1). Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* Where the petitioner fails to timely file any specific objections, “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) (citation and punctuation omitted).

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, 322 (1972); *Haines v. Kerner*, 404 U.S. 519, 520-21 (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 Soc. Servs.*, 901 F.2d 387, 391 (4th Cir. 1990) (citation omitted).

II. Discussion

After a careful review of the record and the R&R, the Court finds that the Magistrate Judge ably summarized the legal and factual issues in this matter and correctly concluded that this action should be remanded to the South Carolina Court of Appeals for lack of subject-matter jurisdiction and that Appellant’s motion for declaratory and injunctive relief and emergency motion for temporary restraining order and stay of writ of ejectment should be dismissed as moot.

III. Conclusion

For the foregoing reasons, the R&R (Dkt. No. 7) is **ADOPTED** as the Order of the Court, this action is **REMANDED** to the South Carolina Court of Appeals, and Appellant's motion for declaratory and injunctive relief (Dkt. No. 2) and emergency motion for temporary restraining order and stay of writ of ejectment (Dkt. No. 3) are **DISMISSED AS MOOT**.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel

Richard Mark Gergel
United States District Judge

April 9, 2026
Charleston, South Carolina

UNITED STATES DISTRICT COURT
for the
District of South Carolina

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Apr 10 2026
SC Court of Appeals

Samuel Tucker Collins, Jr.
Steward Trustee, STCJ Network Revocable Living Trust
Petitioner
v.
Massey et al
Respondent

Civil Action No. 2:26-mc-00086-RMG

JUDGMENT IN A CIVIL ACTION

The court has ordered that (check one):

- the petitioner (name) recover from the respondent (name) the amount of dollars (\$), which includes prejudgment interest at the rate of %, plus post judgment interest at the rate of % per annum, along with costs.
the petitioner recover nothing, the action be dismissed on the merits, and the respondent (name) recover costs from the petitioner (name).
other: The action is dismissed without leave to amend.

This action was (check one):

- tried by a jury with Judge presiding, and the jury has rendered a verdict.
tried by Judge without a jury and the above decision was reached.
decided by the Honorable Richard M Gergel, United States District Judge.

Date: April 10, 2026

ROBIN L. BLUME, CLERK OF COURT

s/S. Shealy

Signature of Deputy Clerk

UNITED STATES DISTRICT COURT

for the

District of South Carolina

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Apr 10 2026

SC Court of Appeals

Samuel Tucker Collins, Jr.

Appellant

v.

West Palmetto Holdings et al

Respondent

Civil Action No. 2:26-cv-01107-RMG

JUDGMENT IN A CIVIL ACTION

The court has ordered that (check one):

[] the petitioner (name) _____ recover from the respondent (name) _____ the amount of _____ dollars (\$___), which includes prejudgment interest at the rate of ___ %, plus post judgment interest at the rate of ___ % per annum, along with costs.

[] the petitioner recover nothing, the action be dismissed on the merits, and the respondent (name) _____ recover costs from the petitioner (name) _____.

• other: The action is remanded to the South Carolina Court of Appeals.

This action was (check one):

[] tried by a jury with Judge _____ presiding, and the jury has rendered a verdict.

[] tried by Judge _____ without a jury and the above decision was reached.

• decided by the Honorable Richard M Gergel, United States District Judge.

Date: April 10, 2026

ROBIN L. BLUME, CLERK OF COURT

s/S. Shealy

Signature of Deputy Clerk