No.: _____

SUPREME COURT OF THE UNITED STATES

Eshawn Jessica Scipio

Petitioner,

vs.

FINKLEA, HENDRICK & BLAKE, LLC; GARY I. FINKLEA, In his individual and official capacity; CHARLIE BLAKE, JR., In his individual and official capacity; CHARLIE SCIPIO, In his individual capacity under binding contractual agreement; ELVIRA CALDWELL, In her individual capacity under binding contractual agreement; BERNICE WHEELER, In her individual capacity under binding contractual agreement.

Respondents.

On Petition for a Writ of Certiorari to
the United States Court of Appeals
for the Fourth Circuit

APPENDIX TO PETITION FOR WRIT OF CERTIORARI

January 16, 2026
Eshawn Scipio

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1757

ESHAWN JESSICA SCIPIO,

Plaintiff - Appellant,

v.

FINKLEA, HENDRICK & BLAKE, LLC; GARY I. FINKLEA, In his individual and official capacity; CHARLIE BLAKE, JR., In his individual and official capacity; CHARLIE SCIPIO, In his individual capacity under binding contractual agreement; ELVIRA CALDWELL, In her individual capacity under binding contractual agreement; BERNICE WHEELER, In her individual capacity under binding contractual agreement,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Florence. Joseph Dawson III, District Judge. (4:23-cv-06088-JD)

Submitted: September 18, 2025 Decided: September 22, 2025

Before THACKER and BENJAMIN, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Eshawn Jessica Scipio, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM

Eshawn Jessica Scipio appeals the district court's order dismissing without prejudice her amended 42 U.S.C. §§ 1981, 1982, and 1983 complaint for failure to state a claim upon which relief could be granted.* The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B). The magistrate judge recommended that relief be denied and advised Scipio that failure to file timely, specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation.

The timely filing of specific objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned of the consequences of noncompliance. *Martin v. Duffy*, 858 F.3d 239, 245 (4th Cir. 2017); *Wright v. Collins*, 766 F.2d 841, 846-47 (4th Cir. 1985); *see also Thomas v. Arn*, 474 U.S. 140, 154-55 (1985). Scipio has forfeited appellate review by failing to file objections to the magistrate judge's recommendation after receiving proper notice. Accordingly, we affirm the judgment of the district court.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

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* The district court's order is a final, appealable order because the court did not grant Scipio further leave to amend her complaint. *Britt v. DeJoy*, 45 F.4th 790, 796 (4th Cir. 2022) (en banc) (order).

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Eshawn Jessica Scipio, Plaintiff, vs. Finklea, Hendrick & Blake, LLC; Gary I. Finklea; Charlie Blake, Jr.; Charlie Scipio; Elvira Caldwell; Bernice Wheeler, Defendants.	Case No.: 4:23-cv-06088-JD ORDER AND OPINION

This matter is before the Court on the Report and Recommendation ("Report") of United States Magistrate Judge Paige J. Gossett (DE 26), issued under 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) of the District of South Carolina. The Report addresses the Magistrate Judge's pre-service screening of Plaintiff Eshawn Jessica Scipio's ("Plaintiff" or "Scipio") Amended Complaint under 28 U.S.C. § 1915.[1]

A. Background

The Report sets forth the relevant facts and legal standards, which the Court incorporates herein. A brief summary is provided for context.

Plaintiff initiated this action on November 28, 2023, asserting claims under 42 U.S.C. § 1983. (DE 1.) Following initial review under § 1915, the Magistrate Judge recommended summary dismissal of the Complaint, finding that the named

[1] The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which 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 with instructions. 28 U.S.C. § 636(b)(1).

defendants were not state actors subject to suit under § 1983. (DE 13.) The Report further noted that Plaintiff's challenges to final orders of the Darlington County Court of Common Pleas and the Darlington County Probate Court were barred by the Rooker-Feldman doctrine. (*Id.* at 4 n.1.)

Plaintiff subsequently filed an Amended Complaint on January 19, 2024 (DE 16), and objections to the initial recommendation on January 22, 2024 (DE 17). On March 19, 2025, the Court denied the prior Report and Recommendation as moot in light of the Amended Complaint and recommitted the matter for further review, directing the Magistrate Judge to assess, among other issues, whether amendment would be futile. (DE 21.)

In the Amended Complaint, Plaintiff asserts claims under 42 U.S.C. §§ 1981, 1982, and 1983, as well as alleged violations of the Fourteenth Amendment. (DE 16.) Plaintiff alleges that her daughter, Judith Scipio, inherited certain real property in Darlington, South Carolina, which she subsequently transferred to Plaintiff by deed on September 11, 2020. Plaintiff contends that a fraudulent deed, allegedly filed by Defendants Gary I. Finklea and Charlie Blake, Jr. on behalf of Defendants Charlie Scipio, Elvira Caldwell, and Bernice Wheeler (collectively, "Defendants"), has deprived her of rightful ownership of the property.

According to Plaintiff, she filed an action in the Darlington County Court of Common Pleas in January 2021 to correct the property records. That court, however, entered judgment in favor of the Defendants. Plaintiff further alleges that the validity of the deed was also addressed in proceedings before the Darlington County Probate

Court, which likewise concluded that the disputed deed vested ownership in the Defendants. Plaintiff asserts that the fraudulent conveyance forced her and her family to vacate the property, resulting in various harms. She seeks damages in the amount of $10,000,000.

B. Report and Recommendation

On April 11, 2025, the Magistrate Judge issued the Report recommending that the Amended Complaint be summarily dismissed. (DE 26.) The Report concludes that Plaintiff fails to state a claim under §§ 1981, 1982, or 1983 upon which relief can be granted. Additionally, the Magistrate Judge reiterates that, to the extent Plaintiff seeks to challenge final decisions of state courts, such claims are barred under the Rooker-Feldman doctrine, which precludes federal district courts from reviewing state court judgments. No objections to the Report have been filed.

C. Legal Standard

In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court 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 & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

FILED: October 21, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1757
(4:23-cv-06088-JD)

ESHAWN JESSICA SCIPIO

Plaintiff - Appellant

v.

FINKLEA, HENDRICK & BLAKE, LLC; GARY I. FINKLEA, In his individual and official capacity; CHARLIE BLAKE, JR., In his individual and official capacity; CHARLIE SCIPIO, In his individual capacity under binding contractual agreement; ELVIRA CALDWELL, In her individual capacity under binding contractual agreement; BERNICE WHEELER, In her individual capacity under binding contractual agreement

Defendants - Appellees

ORDER

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 40 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Thacker, Judge Benjamin and Senior Judge Traxler.

For the Court

/s/ Nwamaka Anowi, Clerk

Additional material from this filing is available in the Clerk's Office.