

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Lionel Martin,

Plaintiff,

vs.

James E. Lockemy, 4th Judicial Circuit
Court Judge, State of South Carolina; John
Benjimen Alpin, South Carolina
Department of Parole, Probation and
Pardon Services (Darlington Co.); Warden,
B.R.C.I, South Carolina Department of
Corrections,

Defendants.

C.A. No.: 0:08-02525-RBH

ORDER

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Bristow Marchant, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this 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, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

No objections were filed to the Report and Recommendation. In fact, the Report and Recommendation was mailed to the plaintiff on August 19, 2008, and was returned to the court on August 22, 2008. The return envelope states, "released left no forwarding address." The plaintiff was advised by Order [docket entry #9] dated August 18, 2008 to notify the court in writing of any change of address. In the absence of objections to the Report and Recommendation of the Magistrate Judge, 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).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Report and Recommendation and incorporates it herein. It is therefore

ORDERED that the complaint in this action is hereby **DISMISSED** without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/ R. Bryan Harwell _____
R. Bryan Harwell
United States District Judge

Florence, South Carolina
September 9, 2008