

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

Billy Shane Tucker,)	
)	
Plaintiff,)	C.A. No. 0:09-cv-03180-JMC
)	
v.)	OPINION & ORDER
)	
Bob Olsen; Warden McCall; Mr. Claytor;)	
LT Williams; Major Bush,)	
)	
Defendants.)	
)	

This matter is now before the court upon the Magistrate Judge's Report and Recommendation [Doc. # 64], filed on October 20, 2010, recommending Plaintiff's Motion for Summary Judgment [Doc. # 23] and Motion for Default Judgment [Doc. # 39] be denied. The Magistrate Judge further recommends Defendants' Motion for Summary Judgment [Doc. # 58] be granted. The Report and Recommendation sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the Magistrate Judge's recommendation without a recitation.

STANDARD OF REVIEW

The Magistrate Judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil 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 objections are made, and the court

may accept, reject, or modify, in whole or in part, the magistrate judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

DISCUSSION

Plaintiff Billy Shane Tucker is a *pro se* litigant petitioning for relief under 42 U.S.C. § 1983. Specifically, Plaintiff alleges (1) that he was unlawfully deprived of certain personal property including his mattress, bedding, cup, and eating utensil; (2) that as a result of having no mattress he sustained injury to his back; (3) that he has been served cold food on unsanitary trays; and (4) that he was denied access to the media, including radios, newspapers, and magazines.

After receiving the Magistrate Judge's Report and Recommendation on Defendants' Motion for Summary Judgment, Plaintiff timely filed objections. Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. *See United States v. Schronce*, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Magistrate Judge's 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).

Upon review, the court finds that Plaintiff's objections are non-specific, unrelated to the dispositive portions of the Magistrate Judge's Report and Recommendation, or merely restate Plaintiff's claims. Therefore, after a thorough review of the Magistrate Judge's Report and Recommendation and the record in this case, the court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein.

It is therefore **ORDERED** that Defendants' Motion for Summary Judgment [Doc. # 58] is granted. It is further **ORDERED** that Plaintiff's Motion for Summary Judgment [Doc. # 23] and Motion for Default Judgment [Doc. # 39] are denied.

IT IS SO ORDERED.

s/ J. Michelle Childs
United States District Judge

January 19, 2011
Greenville, South Carolina