

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

LeBryson Mays,)	C.A. No. 0:10-2284-TLW-PJG
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Bernadette Jefferson,)	
)	
Defendant.)	
_____)	

The *pro se* plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On April 4, 2011, defendant filed a motion for summary judgment. (Doc. # 41). Pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised by Order dated April 5, 2011 of the summary judgment procedure and the possible consequences if he failed to respond adequately. (Doc. # 42). Despite this explanation, the plaintiff elected not to respond to the defendant’s motion for summary judgment.

Because the plaintiff is proceeding *pro se*, the Court filed another Order on May 11, 2011, giving the plaintiff an additional fourteen days in which to advise the Court whether he wished to continue to prosecute this action. (Doc. # 47). This Order specifically advised plaintiff that if he failed to respond, a recommendation that this action be dismissed for failure to prosecute pursuant to Federal Rules of Civil Procedure Rule 41(b) would be made. Again, the plaintiff elected not to respond.

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Paige J. Gossett, to whom this case had

previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In her Report, Magistrate Judge Gossett recommends that this action be dismissed with prejudice for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. In light of this recommendation, the Report recommends that any pending motions (Docs. # 28, 29 & 41) be terminated. The Report was filed on May 31, 2011. No objections to the Report have been filed.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. 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).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 50), and this action is dismissed with prejudice for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. In light of this ruling, the clerk shall terminate any pending motions (Docs. # 28, 29 & 41).

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

July 11, 2011
Florence, South Carolina