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

Hunberto Fuentes Pedroza, #89471-198,	)	
	)	C.A. No. 0:10-2379-HMH-PJG
Plaintiff,	)	
	)	
vs.	)	**OPINION AND ORDER**
	)	
Edgefield Federal Prison;	)	
Mary Mitchell, Warden;	)	
Mr. Acosta, Assist. Warden;	)	
Mr. Collie, Captain;	)	
Mr. Clark, Lt.;	)	
Mr. Holet, Lt.;	)	
Mr. Neal, C Unit Manager;	)	
Mr. Mahomes, A Unit Manager;	)	
Mr. Boltin, A Counselor;	)	
Mr. Johnson, C Counselor;	)	
Mr. Santiago, S.I.S.;	)	
Roper, Unit Officer;	)	
Upson, Unit Officer;	)	
Flores, Unit Officer;	)	
Kate, Unit Officer;	)	
Martin, Unit Officer;	)	
Green, Unit Officer;	)	
Evans, Unit Officer;	)	
Jackson, Unit Manager,	)	
	)	
Defendants.	)	

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Kevin F. McDonald, 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 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) (2006).

The Plaintiff filed no objections to the Report and Recommendation. In the absence of 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). 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).

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

ORDERED that Plaintiff's motion for preliminary injunction/temporary restraining order, docket number 4, is denied without prejudice because the motion is premature.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
October 12, 2010

NOTICE OF RIGHT TO APPEAL

The Plaintiff is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.