

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Johnny W. Crockett,)	C/A No. 0:12-1744-JFA-SVH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Detective J. Waldrop,)	
)	
Defendant.)	
)	

The *pro se* plaintiff, Johnny W. Crockett, brings this action pursuant to 42 U.S.C. § 1983 contending that he was falsely arrested without probable cause by the defendant in violation of his Fourth Amendment rights.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she suggests that this court should dismiss the action for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on March 20, 2013. On April 2, 2013,

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report 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 to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

the plaintiff mailed a document to the court indicating that he needs a postponement from the rulings from the court. He indicates that he also has pending an Application for Post Conviction relief, presumably in state court, and that he “mixed up the deadlines.” He indicates that he does not wish to dismiss this action.

Because it now appears that the plaintiff wishes to continue to prosecute this action, the Court will not adopt the Report and Recommendation. The Clerk is requested to return this file back to the Magistrate Judge for further handling.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." in a cursive style.

Joseph F. Anderson, Jr.
United States District Judge

April 9, 2013
Columbia, South Carolina