

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Myron Edsel Williams,)	Civil Action No. 0:12-1749-MGL
)	
Plaintiff,)	
)	
v.)	
)	
Sergeant Larry Morris; Levern Cohen, <i>Warden at South Carolina Department of Corrections</i> ; Leon Simmons,)	<u>OPINION AND ORDER</u>
)	
Defendants.)	
_____)	

Plaintiff Myron Edsel Williams (“Plaintiff”), proceeding *pro se*, brought this action pursuant to Title 42, United States Code, Section 1983. (ECF No. 1.) This matter is now before the court upon the Magistrate Judge’s Report and Recommendation filed on August 30, 2013, recommending this case be dismissed *with prejudice* pursuant to Rule 41(b) of the Federal Rules of Civil Procedure on the grounds that Plaintiff failed to prosecute the case, and failed to comply with this court’s orders. (ECF No. 83.) More specifically, Plaintiff failed to comply with this court’s orders of July 2, 2013 (ECF No. 76) and August 13, 2013 (ECF No. 80) directing Plaintiff to respond to Defendants’ Motion for Summary Judgment filed on July 1, 2013. (ECF No. 75.) Plaintiff failed to respond to the orders to provide a response to the Motion for Summary Judgment.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. *Mathews v. Weber*, 423 U.S. 261, 270, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with

instructions. 28 U.S.C. § 636(b)(1). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made. Plaintiff was advised of his right to file objections to the Report and Recommendation. (ECF No. 83 at 3.) However, he has not done so and objections were due on September 16, 2013. In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead 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 careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is DISMISSED with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

/s/Mary G. Lewis
United States District Judge

Spartanburg, South Carolina
October 1, 2013