

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

Keith Alan Clark,)	
)	
Petitioner,)	
)	
vs.)	Civil Action No.: 0:13-00351-TLW
)	
Larry Cartledge, <i>Warden Perry</i>)	
<i>Correctional Inst.,</i>)	
)	
Respondent.)	
_____)	

ORDER

Petitioner, Keith Alan Clark (“Petitioner”), filed this pro se petition for writ of habeas corpus seeking relief pursuant to 28 U.S.C. § 2254 on or about February 7, 2013. (Doc. #1). Respondent filed a return and memorandum and a motion for summary judgment on June 24, 2013 (Docs. #18; 19). Petitioner filed a response opposing Respondent’s motion on July 31, 2013. (Doc. #25). Additionally, Petitioner filed a motion for evidentiary hearing on July 31, 2013. (Doc. #24).

This matter now comes before the Court for review of the Report and Recommendation (“the Report”) issued on February 3, 2014 by United States Magistrate Judge Paige J. Gossett, to whom this case had previously been assigned. (Doc. #28). In the Report, the Magistrate Judge recommends that the District Court grant Respondent’s motion for summary judgment, deny Petitioner’s motion for evidentiary hearing, and dismiss the § 2254 petition without an evidentiary hearing. (Doc. #28). The Petitioner did not file objections to the Magistrate Judge’s Report. The original deadline for Petitioner file objections was February 21, 2014 (see Doc. #28). This Court granted Petitioner an extension of time to file objections on February 21, 2014.

(Docs. #30; 31). The extended deadline to file objections lapsed on February 17, 2014. (See Doc. #31). Petitioner has failed to file objections to the Report.

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. In the absence of objections to the Report 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).

This Court has carefully reviewed the Magistrate Judge's Report and Recommendation and the record in this case. The Petitioner did not file objections to the Report. Accordingly, for the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #28). The Respondent's motion for summary judgment (Doc. #18) is hereby **GRANTED**. The Petitioner's motion for evidentiary hearing (Doc. #24) is hereby **DENIED**. The above-captioned matter is hereby dismissed with prejudice and without an evidentiary hearing.

The Court has reviewed the petition in accordance with Rule 11 of the Rules Governing Section 2254 Proceedings. The Court concludes that it is not appropriate to issue a Certificate of Appealability as to the issues raised herein. Petitioner is advised that he may seek a Certificate from the Fourth Circuit Court of Appeals under Rule 22 of the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

March 19, 2014
Columbia, South Carolina