

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Shondreka Jacole Shippy,)	C/A No. 0:13-1077-JFA-PJG
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
Sgt. Blackwell; Captain Anderson; Nurse)	
Margaret; Corporal Waters; Officer Price;)	
Nurse Roanna,)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff, Shondreka Shippy, brings this action pursuant to 42 U.S.C. § 1983 alleging constitutional violations by the defendants.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she suggests that this action should be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. In addition, the Magistrate Judge has considered the Fourth Circuit’s four-prong test² in determining her recommendation that the action should be dismissed. The Report sets forth in detail the

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).

² *Davis v. Williams*, 588 F.2d 69 (4th Cir. 1978); *see also Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989); and *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982).

relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was further advised of his right to file objections to the Report filed on December 19, 2013. However, the plaintiff did not file any objections to the Report within the time limits prescribed. In addition, the copy of the Report mailed to the plaintiff was returned to the Clerk by the United States Postal Service marked "Return to Sender, Released." It appears that plaintiff has abandoned his lawsuit.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed with prejudice for failure to prosecute under Rule 41(b) and any outstanding motions are deemed moot.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.
United States District Judge

January 31, 2014
Columbia, South Carolina