

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

| | | |
|---|---|----------------------------------|
| Jesse Lee McDonald, |) | Civil Action No.: 0:15-3771-GRA- |
| |) | PJG |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | ORDER AND OPINION |
| |) | |
| Officer J. Quinn; Greenville County, |) | |
| <i>Municipality</i> ; Major Stowers; Ronald |) | |
| Hollister; John Vadermosten, |) | |
| |) | |
| Defendants. |) | |

Plaintiff, Jesse Lee McDonald (“Plaintiff”), a pretrial detainee proceeding *pro se* filed this action pursuant to 42 U.S.C. § 1983 alleging that his constitutional rights had been violated. (ECF No. 1.)

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02 for the District of South Carolina, this matter was referred to United States Magistrate Judge Paige J. Gossett for a Report and Recommendation. On October 7, 2015, the Magistrate Judge issued a Report and Recommendation recommending that this case be dismissed without prejudice and without issuance and service of process due to Plaintiff’s failure to state facts which set forth a cognizable claim upon which relief may be granted. (ECF No. 10.) Plaintiff has not filed objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to the court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* 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. 10 at 7.) However, Plaintiff filed no objections and the time for doing so has expired. In the absence of objections to the Magistrate Judge’s Report and Recommendation, the court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “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) (quoting Fed. R. Civ. P. 72 and advisory committee’s note)).

After a thorough review of the record in this case, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is ORDERED that the complaint be summarily dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "G. Ross Anderson, Jr.", written over a horizontal line.

G. Ross Anderson, Jr.
Senior United States District Judge

October 30, 2015
Anderson, South Carolina