

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

James B. Curry,	)	C/A No. 0:16-1677-JFA-SVH
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
Governor Nikki R. Haley,	)	
	)	
Defendant.	)	
_____	)	

The *pro se* plaintiff, James B. Curry, is an inmate with the South Carolina Department of Corrections. He brings this action pursuant to 42 U.S.C. § 1983 seeking to compel the Governor of South Carolina to respond to his petition for clemency.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation wherein she suggests that this court should dismiss the action without prejudice and without issuance and service of process. 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 June 2, 2016. However, the plaintiff

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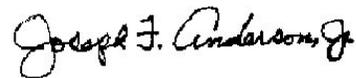
<sup>1</sup> The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the 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).

did not file objections and the time within which to do so has now expired. In the absence of specific 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).

The court agrees with the Magistrate Judge that under 28 U.S.C. §§ 1361 and/or 1651, this court is without jurisdiction to grant such relief against the State of South Carolina, its officials or entities.

Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.  
United States District Judge

July 28, 2016  
Columbia, South Carolina