

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

Joel Brito-Ramirez,)	
)	Civil Action No. 0:17-463-TMC-PJG
Petitioner,)	
)	
v.)	ORDER
)	
John Kelly, Secretary, Department of)	
Homeland Security, Sean Gallagher,)	
Atlanta Field Office Director, U.S.)	
Immigration and Customs Enforcement,)	
J. Al Cannon, Jr., Sheriff, Charleston)	
County Detention Center,)	
)	
Respondents.)	

Petitioner Joel Brito-Ramirez, an alien detainee represented by counsel, is seeking habeas corpus relief pursuant to 28 U.S.C. § 2241.¹ Before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending that Petitioner’s motion for a temporary restraining order (ECF No. 3) be denied as moot. (ECF No. 8). Petitioner was advised of his right to file objections to the Report. (ECF No. 8 at 2). However, Petitioner has not filed objections, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections to the Report, this 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

¹ In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02, DSC, this matter was initially referred to a magistrate judge.

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 advisory committee’s note).

After a thorough review, the court finds no clear error and, therefore, adopts the Report (ECF No. 8) and incorporates it herein by reference. Therefore, Petitioner’s motion for a temporary restraining order (ECF No. 3) is **DENIED** as moot.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

March 17, 2017
Anderson, South Carolina