

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

Joel Brito-Ramirez,)
Petitioner,) Civil Action No. 0:17-463-TMC-PJG
v.)
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.)

ORDER

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