

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

Kipper King,
Plaintiff,
v.
Chuck Wright, Sheriff; Sgt. Pieklo; Lt. Cody;
Spartanburg Detention Facility Medical Staff;
Spartanburg County Detention Facility,
Defendants,
Civil Action No.:1:17-cv-00705-JMC
ORDER

This matter is before the court upon review of Magistrate Judge Paige J. Gossett’s Report and Recommendation (“Report”) (ECF No. 14), filed on May 22, 2017, recommending that Plaintiffs’ attempted civil rights complaint alleging deliberate indifference to conditions of confinement (ECF No. 1-1) be dismissed without prejudice and without issuance and service of process for failure to state a claim.

The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, which has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report to which specific objections are made.

The parties were advised of their right to file objections to the Report. (ECF No. 14), however, neither party filed any objections to the Report.

In the absence of objections to the Magistrate Judge’s 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 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). Furthermore, failure to file specific written objections to the Report results in a party’s waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

After a thorough review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law and does not contain clear error. The court **ADOPTS** the Magistrate Judge’s Report and Recommendation (ECF No. 14), and **DISMISSES** Plaintiffs’ attempted civil rights complaint against Defendants (ECF No. 1-1) without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

A handwritten signature in black ink that reads "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

June 8, 2017  
Columbia, South Carolina