



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

LONDELL LASHUN ALSTON,	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. 0:24-3433-MGL
	§	
JUDGE WALTON HENRY BECK and THE	§	
COUNTY OF YORK,	§	
Defendants.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION,
DISMISSING THIS ACTION WITHOUT PREJUDICE,
AND DENYING PLAINTIFF'S MOTION TO PROCEED IN FORM PAUPERIS**

Plaintiff Londell Lashun Alston (Alston) filed this lawsuit against Defendants Judge Walton Hentry Beck and the County of York.

The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting to the Court this action be dismissed without prejudice and Alston's motion to proceed in forma pauperis be denied. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (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 with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on August 29, 2024, but the Alston failed to file any objections to the Report. “[I]n 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). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. It is therefore the judgment of this Court Alston’s action is **DISMISSED WITHOUT PREJUDICE** and his motion to proceed in forma pauperis is **DENIED**.

IT IS SO ORDERED.

Signed this 25th day of September, 2024, in Columbia, South Carolina.

/s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Alston is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.