

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

Davinne Shabaz Dreher,

Petitioner,

vs.

Warden, Alvin S. Glenn Detention Center,

Respondent.

Civil Action No. 0:24-5952-CMC

ORDER

This matter is before the court on Petitioner's *pro se* petition for writ of habeas corpus filed in this court pursuant to 28 U.S.C. § 2241. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(c), DSC, this matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings and a Report and Recommendation ("Report").

On February 13, 2025, the Magistrate Judge issued a Report recommending the Petition be dismissed without prejudice and without requiring Respondents to file a return, as it fails to state facts sufficient to meet the test in *Younger v. Harris*, 401 U.S. 37 (1971). ECF No. 26. The Magistrate Judge advised Petitioner of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Petitioner submitted a document, filed as a letter, on February 24, 2025. ECF No. 29. No other objections were received within the allowed time frame.

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. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made

by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “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.”) (citation omitted).

Petitioner’s letter states:

So did my commission for lawyer conduct disciplinary counsel been updated? I have not received an answer or motion for my civil action. Was a motion or answer in my civil action served? I did not receive one. If so, please forward me a copy. Will the Alvin S. Glenn detention center receive a time and date when I report, to my order to report and recommendation?

ECF No. 29 at 2 (errors in original).

Petitioner’s objections are nonsensical. He appears to reference an action for lawyer misconduct; however, such a proceeding would not be pending in this court. Neither has an answer or motion been filed, as the Magistrate Judge determined his case should be summarily dismissed. ECF No. 26. Finally, Petitioner references a time to report in this case – it appears he may believe he will be called to a court appearance regarding the Report and Recommendation.

However, the Magistrate Judge’s Report clearly laid out the reasons for recommended summary dismissal and the procedure for Petitioner to object in writing. ECF No. 26 at 4-5. Petitioner is not entitled to an appearance in this action. Neither does he raise any relevant objections to the Report’s finding regarding *Younger*.

Accordingly, as the Supreme Court has directed federal courts should not equitably interfere with state criminal proceedings except in the most narrow and extraordinary of circumstances, which do not appear here, abstention is appropriate. *Younger*, 401 U.S. at 43-44. Petitioner has an adequate remedy at law in state court to address the issues he has raised regarding his criminal charges.

After reviewing the record of this matter, the applicable law, the Report and Recommendation of the Magistrate Judge, and Petitioner's filing, the court agrees with the conclusions of the Magistrate Judge. The court therefore adopts and incorporates the Report and Recommendation by reference in this order. This petition is dismissed without prejudice and without requiring respondent to file a return.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
March 12, 2025