

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

William L. Riffey,)	
)	
Plaintiff,)	C.A. No. 1:09-cv-02089-JMC
)	
v.)	ORDER
)	
Harley G. Lappin, ML Rivera, Robert)	
Giorno, and Robert Vendal,)	
)	
Defendants.)	
_____)	

This matter is now before the court upon the Magistrate Judge’s Report and Recommendation [Entry # 77], filed on July 27, 2010, recommending Defendants’ Motion to Dismiss [Entry # 29] be granted on the basis that Plaintiff failed to exhaust administrative remedies, Plaintiff’s concession of insufficient personal jurisdiction over Defendant Lappin, and Defendants’ entitlement to qualified immunity. The Report and Recommendation sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the Magistrate Judge’s recommendation without a recitation.

STANDARD OF REVIEW

The Magistrate Judge’s Report and Recommendation 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. The recommendation 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 and Recommendation to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

DISCUSSION

Plaintiff William L. Riffey is a *pro se* state prisoner pursuing this civil action under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 397 (1971). Specifically, Plaintiff alleges that he was denied medical treatment while under the care of the Bureau of Prisons.

Plaintiff timely filed objections to the Magistrate Judge's Report and Recommendation on the pending motions. Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. *See United States v. Schronce*, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Magistrate Judge's Report and Recommendation, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that the Plaintiff's objections are non-specific, unrelated to the dispositive portions of the Magistrate Judge's Report and Recommendation, or merely restate his claims. Therefore, after a thorough review of the Magistrate Judge's Report and Recommendation and the record in this case, the court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein.

It is therefore **ORDERED** that Defendants' Motion to Dismiss [Entry #29] is granted, and the Complaint is dismissed with prejudice.

IT IS SO ORDERED.

s/ J. Michelle Childs
United States District Judge

September 21, 2010
Greenville, South Carolina