

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Brian Sharp,	)	C/A No. 1:09-2402-JFA-SVH
	)	
Plaintiff,	)	
v.	)	ORDER
	)	
Leonard Longe; Jerry Alexander; and	)	
Tim Riley,	)	
	)	
Defendants.	)	
_____	)	

The *pro se* plaintiff, Brian Sharp, brings this action pursuant to 42 U.S.C. § 1983 claiming deliberate indifference and excessive force relating to an incident when the defendant allegedly maced the plaintiff in his prison cell.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a thorough Report and Recommendation and opines that the complaint fails to establish a claim for excessive force, and thus, the defendants' motion for summary judgment<sup>2</sup> should be granted. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. 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. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation 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 to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

<sup>2</sup> An order was issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) notifying plaintiff of the summary dismissal procedure and possible consequences if he failed to adequately respond to the motion for summary judgment. Plaintiff responded to the motion.

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on January 7, 2011. However, the plaintiff failed to file objections. In the absence of specific objections to the Report of the Magistrate Judge, 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).

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference

Accordingly, the defendants' motion for summary judgment (ECF No. 32) is granted and this action is dismissed with prejudice.

IT IS SO ORDERED.

February 7, 2011  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge