

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

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2011 APR 21 A 11:05

Tyrone Ellison, #324947,)
)
 Plaintiff,)
)
 v.)
)
 Warden Willie L. Eagleton; Major)
 Steven Nolan; DHO Annie Mae)
 Sellers; IGC A. Graves, sued in their)
 individual capacity; et al. S.C. Dept.)
 Of Corr.; Evans Correctional Inst.:)
 sued in their individual and official)
 capacity,)
)
 Defendants.)
)
 _____)

Civil Action No. 1:10-2587-SB

ORDER

This matter is before the Court upon the Plaintiff's pro se complaint, which was filed pursuant to 42 U.S.C. § 1983. By local rule, the matter was referred to a United States Magistrate Judge for preliminary determinations.

On January 14, 2011, the Defendants filed a motion for summary judgment. The Magistrate Judge issued an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising the Plaintiff of the summary judgment procedure and instructing him to file a response. The order specifically notified the Plaintiff that a failure to respond could result in the motion being granted. When the Plaintiff failed to file a response, the Magistrate Judge issued a second order on March 10, 2011, asking the Plaintiff to inform the Court by March 24, 2011, whether he wished to proceed with this case. The Plaintiff did not file any response.


Therefore, on March 25, 2011, the Magistrate Judge issued a report and recommendation ("R&R") analyzing the issues and recommending that the Court dismiss

this action with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. Attached to the R&R was a notice advising the Plaintiff of the right to file specific, written objections to the R&R within 14 days of the date of service of the R&R. To date, no objections have been filed.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriners's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the Plaintiff did not file any specific, written objections, there are no portions of the R&R to which the Court must conduct a de novo review. Moreover, after a review of the record, the Court agrees with the Magistrate Judge's recommendation. Accordingly, it is hereby

ORDERED that the R&R (Entry 26) is adopted, and this matter is dismissed with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.


Sol Blatt, Jr.
Senior United States District Judge

April 20, 2011
Charleston, South Carolina

