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

Jim Henry Aikens,	)	
	)	C.A. No. 1:11-414-TMC
Petitioner,	)	
	)	
v.	)	**ORDER**
	)	
Warden, FCI Williamsburg,	)	
	)	
Respondent.	)	
	)	

Jim Henry Aikens (Petitioner), a *pro se* federal prisoner, filed this habeas action against the Respondent pursuant to 28 U.S.C. § 2254 challenging a Georgia state court conviction. The Magistrate Judge's Report and Recommendation (Report), filed on May 3, 2011 (Dkt. No. 13), recommends that the court transfer this § 2254 habeas action to the United States District Court for the Middle District of Georgia, and the Report further recommends that the court direct that the Attorney General of Georgia be added to the docket as a Respondent. The Report sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the Report without a recitation.

The Magistrate Judge's Report 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 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).

Petitioner was advised of his right to file objections to the Report (Dkt. No. 13-1).

However, Petitioner has filed no objections.

In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "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.'" *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). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the district court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough review of the Report and the record in this case, the court adopts the Magistrate Judge's Report (Dkt. No. 13) and incorporates it here. It is therefore **ORDERED** that the Petitioner's § 2254 petition in the above-captioned action be **TRANSFERRED** to the United States District Court for the Middle District of Georgia and that the Attorney General of Georgia shall be added to the docket as a Respondent.

IT IS SO ORDERED.

s/Timothy M. Cain
Timothy M. Cain
United States District Judge

Greenville, South Carolina
December 7, 2011

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.