

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

William Christopher Turner,) Civil Action No.: 1:12-3039-MGL
)
Plaintiff,)
)
vs.) **ORDER AND OPINION**
)
Spartanburg County Jail Medical Office,)
)
Defendant.)

)

Plaintiff William Christopher Turner (“Plaintiff”), proceeding, *pro se*, is detained at the Spartanburg County Detention Center. On October 24, 2012, Plaintiff, filed this civil action against the Spartanburg County Jail Medical Office (“Defendant”), alleging violations of Title 42, United States Code, Section 1983. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for pretrial handling. On November 1, 2012, Magistrate Judge Hodges issued a Report and Recommendation recommending *inter alia* that the court dismiss Plaintiff’s complaint without prejudice and service of process as Plaintiff failed to state a claim upon which relief may be granted as to the sole defendant, Spartanburg County Jail Medical Office. (ECF No. 10 at 4.)

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 may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The court is charged with making a *de novo* determination of those

portions of the Report and Recommendation to which specific objections are made. Plaintiff was advised of his right to file objections to the Report and Recommendation. (ECF No. 10 at 5.) Plaintiff has filed no objections and the time for doing so has expired. 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).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is DISMISSED without prejudice and without service of process.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

January 16, 2013

Spartanburg, South Carolina