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

Kendrick L.J. Singleton, Plaintiff, v. Florence Mauney, Associate Warden of Security; Michael Matthews, Regional Director of Inmate Classification; D. Filmore, Perry Correctional Inst. Classification Caseworker; L. Buttrey, Perry Correctional Inst. Classification Caseworker; and F. Ogunsile, Perry Correctional Inst. Classification Caseworker, Defendants.	Civil Action No. 1:13-cv-02104-JMC **ORDER**

This matter is before the court for review of the Magistrate Judge's Report and Recommendation (ECF No. 38), filed March 24, 2014, recommending that this action be dismissed with prejudice for failure to prosecute in accordance with Rule 41(b) of the Federal Rules of Civil Procedure. Plaintiff, proceeding *pro se*, brought this action seeking relief pursuant to 42 U.S.C. § 1983 for alleged violations of his constitutional rights. 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 herein without a recitation.

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).

The Magistrate Judge advised Plaintiff that if he failed to respond to Defendants' motion for summary judgment (ECF No. 28) his case may be dismissed. (Order, ECF No. 29.) To date, Plaintiff has failed to respond to the Magistrate Judge's order. After a thorough review of the Report and Recommendation and the record in this case, the court adopts the Magistrate Judge's Report and Recommendation (ECF No. 38). It is therefore **ORDERED** that Plaintiff's action is **DISMISSED** with prejudice for failure to prosecute pursuant to Fed. R. Civ. Proc. 41(b).

IT IS SO ORDERED.

United States District Judge

Columbia, South Carolina
April 15, 2014