

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

Raymond Edward Chestnut,) Civil Action No.: 1:13-cv-2250-RBH
)
Plaintiff,)
)
v.) **ORDER**
)
Officer K. Singleton,)
)
Defendant.)
_____)

Plaintiff Raymond Edward Chestnut, a federal prisoner proceeding *pro se*, filed this action pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 397 (1971) (“Bivens”) against Defendant Officer K. Singleton (“Defendant”) on August 20, 2013. *See* Compl., ECF No. 1. On December 1, 2014, Defendant filed a motion to dismiss or in the alternative motion for summary judgment. *See* Def.’s Mot., ECF No. 68. On January 9, 2015, Plaintiff filed a response in opposition. *See* Pl.’s Resp., ECF No. 81. Defendant filed a reply in support of her motion on January 14, 2015. *See* Def.’s Reply, ECF No. 82. Plaintiff then filed a sur-reply on March 26, 2015. *See* Pl.’s Sur-reply, ECF No. 89. Plaintiff also sought to submit a declaration in support of his opposition to Defendant’s motion on April 10, 2015, *see* ECF No. 91, to which Defendant objected, *see* ECF No. 93.

The matter is now before the Court for review of the Report and Recommendation of United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. *See* R & R, ECF No. 96. In the Report and Recommendation, the Magistrate Judge recommends the Court grant Defendant's motion for summary judgment. *See id.* at 7.

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 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 with instructions. *See* 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendations. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct *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’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is **ORDERED** that Defendant’s motion for summary judgment is **GRANTED** and this action is dismissed *with prejudice*.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
May 14, 2015