

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

David Lee Johnson, )  
)  
Plaintiff, )  
)  
v. )  
)  
All Agents involved in the January 29, 2012 )  
manhunt of David L. Johnson, *For the* )  
*Agencies of: North Augusta Public Safety;* )  
*SWAT; Aiken Co Sheriff; SC State Troopers;* )  
*and Aiken Co Blood Hound Team; George* )  
*McElveen, III, in his official and individual* )  
*capacities; J Strom Thurmond, Jr., Solicitor, in* )  
*his official and individual capacities; John* )  
*Nelson, Investigator, in his official and* )  
*individual capacities; Jane Doe, Nurse, Aiken* )  
*Co Dent. Center,* )  
Defendants. )  
\_\_\_\_\_ )

Civil Action No. 1:15-cv-00503-JMC

**ORDER**

Plaintiff, proceeding *pro se* and *in forma pauperis*, brought this action seeking relief pursuant to 42 U.S.C. § 1983 (2012). (ECF No. 1.) This matter is before the court for review of the Magistrate Judge’s Report and Recommendation (“Report”) (ECF No. 35), filed on February 24, 2016, recommending that Plaintiff David Lee Johnson’s amended complaint (ECF No. 15) against Defendant All Agents be dismissed without prejudice, and Plaintiff David Lee Johnson’s amended complaint (ECF No. 15) against Defendant Jane Doe be dismissed without prejudice. The Report 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 is made in accordance with 28 U.S.C. § 636(b)(1) (2012) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, and 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).

Plaintiff was advised of his right to file an objection to the Report “within fourteen (14) days of the date of service of the Report and Recommendation,” or by March 14, 2016. (ECF No. 35.) Plaintiff 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).

After a thorough review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law and there is no clear error. The court **ADOPTS** the Magistrate Judge’s Report and Recommendation (ECF No. 35). It is therefore **ORDERED** that Plaintiff David Lee Johnson’s amended complaint (ECF No. 15) against Defendant All Agents be **DISMISSED** without prejudice, and Plaintiff David Lee Johnson’s amended complaint (ECF No. 15) against Defendant Jane Doe be **DISMISSED** without prejudice.

**IT IS SO ORDERED.**

*J. Michelle Childs*

United States District Court Judge

March 18, 2016  
Columbia, South Carolina