

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

Al James Smith, #23731-056,)	Civil Action No. 1:15-2572-BHH
)	
Plaintiff,)	
)	
vs.)	ORDER AND OPINION
)	
J. Meeks, Warden, FCI Williamsburg;)	
David Massa; and Victor Loranth,)	
)	
Defendants.)	

Plaintiff Al James Smith (“Plaintiff”), proceeding *pro se*, brought this action pursuant to Title 42, United States Code, Section 1983. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B), D.S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for pre-trial handling and a Report and Recommendation (“Report”).

This matter is before the Court on Defendants’ Motion to Dismiss or, in the Alternative, for Summary Judgment (ECF No. 29). On July 28, 2016, Magistrate Judge Hodges issued a Report recommending that Defendants’ Motion for Summary Judgment be granted. (ECF No. 33.) The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. (ECF No. 33 at 17.) Plaintiff filed no objections and the time for doing so expired on August 15, 2016.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court may accept, reject, or modify, in whole or in part, the Report or may recommit

the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). 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, the Court finds the Magistrate Judge’s recommendation to be proper and to evince no clear error. Accordingly, the Report and Recommendation is incorporated herein by reference. Defendants’ Motion for Summary Judgment (ECF No. 29) is GRANTED, and this action is DISMISSED with prejudice.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

August 25, 2016
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.