IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Terry Mikell Smalley, Plaintiff, v. S.C. Electric Cooperatives/Aiken County Electric, Defendant.	C/A No. 1:15-cv-4033-JFA **ORDER**

Terry Mikell Smalley ("Smalley") filed this *pro se* action while confined at Ridgeland Correctional Institution in Ridgeland, South Carolina. Smalley alleges that the Defendant "failed and refused to take proper steps to return capital credits for former members." (ECF No. 1). He further alleges "breach of fiduciary duty and unfair trade practices and 4th amendment violations." *Id*.

The Magistrate Judge assigned to this action[1] prepared a thorough Report and Recommendation ("Report") and opines that this court should dismiss the Complaint in this case without prejudice. (ECF No. 13). The Report sets forth in detail the relevant facts and standards of law on this matter, and this court incorporates those facts and standards without a recitation.

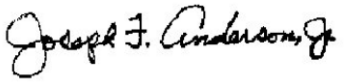
Smalley was advised of his right to object to the Report, which was entered on the docket on September 9, 2015. On November 23, 2015, Smalley made a motion for extension of time to

[1] The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(g) (D.S.C.). The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (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 to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

file objections to the Report. (ECF No. 17). On February 1, 2016, the Court granted Smalley's motion and gave him until March 2, 2016 to file specific objections to the Report. (ECF No. 20). On February 12, 2016, Smalley made a motion requesting the Court to appoint counsel for him in this case (ECF No. 23), and also filed a response to the Report that failed to make any specific objections whatsoever. (ECF No. 24). In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the court adopts the Report and Recommendation. In addition, Smalley's motion requesting this Court to appoint counsel for him in this case is denied.[2]

IT IS SO ORDERED.



February 16, 2016
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge

[2] *See Geter v. Taharra*, 429 Fed. Appx. 265, 266 (4th Cir. 2011) (holding that "there is no right to appointment of counsel in a civil case").