

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

Javon Rivers, Sr.,)	
)	Civil Action No.: 1:16-cv-03229-JMC
Petitioner,)	
)	
v.)	ORDER
)	
Warden of Lieber Correctional Institution,)	
)	
Respondent.)	
)	

This matter is before the court upon review of Magistrate Judge Shiva H. Hodges' Report and Recommendation ("Report"), filed on April 11, 2017 (ECF No. 25), recommending that Petitioner Javon Rivers, Sr.'s ("Petitioner") Petition for Writ of Habeas Corpus be dismissed with prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) for failing to respond to Respondent Warden of Lieber Correctional Institution's ("Respondent") Motion for Summary Judgment ("Motion"). (ECF No. 14).

The Magistrate Judge's Report 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, which has no presumptive weight. The responsibility to make a final determination remains with this court. *See Matthews v. Weber*, 423 U.S. 261, 270-71 (1971). This court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made.

Petitioner was advised of the right to file objections to the Report. (ECF No. 15). However, Petitioner never filed an objection to the Report.

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). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

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 it does not contain clear error. The court **ADOPTS** the Magistrate Judge's Report and Recommendation (ECF No. 25), **GRANTS** Respondent's Motion for Summary Judgment (ECF No. 14) and **DISMISSES** this Petition (ECF No. 1) with prejudice.

IT IS SO ORDERED.



United States District Judge

May 4, 2017
Columbia, South Carolina