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

Anthony Scott Vincent, #329042, Plaintiff, vs. Barry Faile; Larry Deason; and Debbie Horne, Defendants.	)	Civil Action No. 1:17-889-BHH **ORDER AND OPINION**

Plaintiff, who is proceeding pro se and in forma pauperis, filed this action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary determinations.

On November 15, 2017, Magistrate Judge Shiva V. Hodges, issued a report and recommendation ("Report") outlining Plaintiff's claims and recommending that the Court grant Defendants' pending motion for summary judgment. (ECF No. 32.) Attached to the Magistrate Judge's Report was a notice advising Plaintiff of the right to file written objections to the Report within fourteen days of being served with a copy. (*Id*. at 12.) To date, no objections have been filed, and the time for doing so expired on December 4, 2017.

The Magistrate Judge makes only a recommendation to the 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 only of those portions of the Report to

which specific objections are 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. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "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.'") (quoting Fed. R. Civ. P. 72 advisory committee's note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds the Magistrate Judge's recommendation to be proper and to evince no clear error, and agrees with the Magistrate Judge's findings.

Accordingly, the Court hereby adopts and incorporates the Magistrate Judge's Report (ECF No. 32) herein by specific reference. Defendants' motion for summary judgment (ECF No. 27) is GRANTED and this case is dismissed.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

December 8, 2017
Charleston, South Carolina

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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.