

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

Darnell Thompson, #16377-171, )  
)  
Petitioner, )  
)  
v. )  
)  
Warden, S.P.C. Williamsburg, )  
)  
Respondent. )  
\_\_\_\_\_)

C.A. No.: 1:17-cv-1591-PMD-SVH

**ORDER**

This matter is before the Court on Magistrate Judge Shiva V. Hodges’ report and recommendation (“R & R”). She recommends the Court dismiss Petitioner Darnell Thompson’s 28 U.S.C. § 2241 petition (ECF No. 6). Thompson has filed objections to the R & R (ECF No. 8).

**STANDARD OF REVIEW**

The Magistrate Judge makes only a recommendation to this Court. The R & R has no presumptive weight, and the responsibility for making a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). This Court must conduct a de novo review of any portion of the R & R to which a timely, specific objection is made, and the Court may accept, reject, or modify the Magistrate Judge’s findings and recommendations in whole or in part. *Id.* Additionally, the Court may receive more evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* A party’s failure to object is taken as the party’s agreement with the Magistrate Judge’s conclusions. *See Thomas v. Arn*, 474 U.S. 140 (1985). Absent a timely, specific objection—or as to those portions of the R & R to which no specific objection is made—this Court “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 & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

## **DISCUSSION**

Thompson seeks relief from a prison sentence imposed on him pursuant to the Armed Career Criminal Act. The Magistrate Judge determined Thompson's petition should be summarily dismissed, without prejudice, because his claim is not cognizable under § 2241 and the "savings clause" in 28 U.S.C. § 2255(e) does not allow him to bring his claim under § 2241.

Thompson challenges the Magistrate Judge's determination that the savings clause does not apply. However, none of the three opinions Thompson cites demonstrates any errors in her analysis. Thompson's objections are thus overruled. The Court finds the R & R well-reasoned and therefore adopts it as the Court's opinion.

## **CONCLUSION**

For the foregoing reasons, it is hereby **ORDERED** that Thompson's objections are overruled, that the R & R is **ADOPTED**, and that Thompson's petition is therefore **DISMISSED** without prejudice.

**AND IT IS SO ORDERED.**

  
\_\_\_\_\_  
PATRICK MICHAEL DUFFY  
United States District Judge

**July 26, 2017**  
**Charleston, South Carolina**