

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

Kenneth Lewis, #215632,)
)
Plaintiff,)

C.A. No. 1:17-1652-HMH-SVH

vs.)

OPINION & ORDER

James Carlyle Williams, Jr.; David M.)
Pascoe, Jr.; Diane Schafer Goodstein;)
Jasmine D. Wyman; William H.)
Davidson, II; Wanda H. Rowe; Mary S.)
Williams; Marva A. Hardee Thomas;)
Willia H. Waring; Tony C. Phinney;)
Terrance Arnold Vandokn; Raymond)
Dixson; Jerome Jones; Peggy M. Dunn;)
Bennie Ray Petrey; Allison Greer;)
Lanell Cantey Durant; Karen Christine)
Ratigan; Maite Murhy; Aileen P. Clare;)
Harry A. Walker; Henry Dargan)
McMaster; John W. McIntosh; Salley)
W. Elliot; Aughtry E. K. Randall; J.)
Clayton Mitchell, III; Michael McCall;)
Hearn C. J. Kittredge; Thomas J.J.)
Concur; and Alan Wison,)
)
Defendants.)

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Shiva V. Hodges, 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. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (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 with instructions.

See 28 U.S.C. § 636(b)(1) (2006).

The parties filed no objections to the Report and Recommendation. In the absence of objections to the magistrate judge's Report and Recommendation, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The 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 & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Hodges' Report and Recommendation and incorporates it herein. It is therefore

ORDERED that this case is dismissed without prejudice and without issuance and service of process. The Plaintiff shall have twenty-eight (28) to amend his complaint. If Plaintiff fails to timely amend the complaint, the complaint shall be dismissed with prejudice. If the Plaintiff fails to file an amended complaint, the clerk is instructed to enter judgment dismissing this case with prejudice after the expiration of the 28-day period. The clerk is directed to send a copy of a blank complaint form to the Plaintiff with this order.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
September 13, 2017

NOTICE OF RIGHT TO APPEAL

The Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.