

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

|                                      |   |                                     |
|--------------------------------------|---|-------------------------------------|
| Lexie Turner,                        | ) |                                     |
|                                      | ) | Civil Action No.: 1:17-cv-02306-JMC |
| Petitioner,                          | ) |                                     |
|                                      | ) |                                     |
| v.                                   | ) | <b>ORDER</b>                        |
|                                      | ) |                                     |
| Matthew C. Buchanan and S.C.         | ) |                                     |
| Department of Probation, Parole, and | ) |                                     |
| Pardon Services,                     | ) |                                     |
|                                      | ) |                                     |
| Respondents.                         | ) |                                     |
| _____                                | ) |                                     |

This matter is before the court pursuant to Petitioner Lexie Turner’s *pro se* petition for writ of habeas corpus under 28 U.S.C. § 2241. (ECF No. 1-2.) Petitioner filed the petition alleging the South Carolina Department of Probation, Parole, and Pardon Services (“SCDPPPS”) violated his constitutional rights when it failed to enclose a notice of appeal with its final decision denying Petitioner parole eligibility. (ECF No. 1-2 at 2, 9.) Petitioner states he appealed SCDPPPS’s decision, and his appeal is still pending. (*Id.* at 8.) The Magistrate Judge’s Report and Recommendation recommends that the court should summarily dismiss the petition without prejudice because Petitioner has not exhausted his state court remedies. (ECF No. 13 at 4.) The Report and Recommendation, filed on September 15, 2017, sets forth the relevant facts, which this court incorporates herein without a recitation. (ECF No. 13.)

The Magistrate Judge’s Report and Recommendation 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. 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 Magistrate Judge's recommendation or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The parties were advised of their right to file objections to the Report and Recommendation. (ECF No. 13 at 5.) However, neither party filed an objection to the Report and Recommendation within the prescribed time limits.

In the absence of objections to the Magistrate Judge's Report and Recommendation, 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 and Recommendation 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); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough review of the Report and Recommendation and the record in this case, the court **ACCEPTS** the Magistrate Judge's Report and Recommendation (ECF No. 13) and incorporates it herein. Therefore, the court summarily **DISMISSES**, without prejudice, Petitioner's habeas corpus petition (ECF No. 1-2.)

**IT IS SO ORDERED.**

*J. Michelle Childs*

United States District Judge

May 10, 2018  
Columbia, South Carolina