

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

Le'Andre Earl,

Plaintiff,

v.

Celia Hansen (FCI-Talladega); and
Stephen Hoey (FCI-Williamsburg),

Defendants.

Civil Action No. 1:20-3907-BHH

OPINION AND ORDER

This matter is before the Court on the Report and Recommendation (ECF No. 13) of United States Magistrate Judge Shiva V. Hodges, filed on December 8, 2020, recommending that the Court dismiss Defendant Celia Hansen from the case. After carefully reviewing the Report and Recommendation, the Court adopts the Report and Recommendation in full. 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. Objections to the Report were due by December 28, 2020. No objections were filed.

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 Plaintiff filed no objections, 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 no clear error and agrees with the Magistrate Judge’s Report. Therefore, the Court adopts and incorporates the Magistrate Judge’s Report (ECF No. 13).

It is therefore ORDERED that the Defendant Celia Hansen is dismissed from this case. Only Defendant Stephen Hoey remains. This matter is returned to the Magistrate Judge for further pretrial proceedings.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

February 22, 2021
Charleston, South Carolina