

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

Jerritt Cox,)
)
Plaintiff,)
)
vs.)
)
Director Marcus Rhodes and Director of)
Medical Beth Lawson,)
)
Defendants.)
_____)

Case No.: 1:22-cv-3059-JD-SVH

ORDER AND OPINION

This matter is before the Court with the Report and Recommendation (“Report”) of United States Magistrate Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(e) of the District of South Carolina.¹ (DE 10.) Plaintiff Jerritt Cox (“Plaintiff” or “Cox”), proceeding *pro se* brought this action against defendants Director Marcus Rhodes and Director of Medical Beth Lawson (collectively “Defendants”), alleging violations of his 8th Amendment rights in failing to provide timely medical care resulting in the amputation of Plaintiff’s right finger. (DE 1.)

On September 13, 2022, the Court issued (1) an order directing Plaintiff to bring this case into proper form and to keep this Court apprised of his address and (2) an Order and Notice identifying the deficiencies in Plaintiff’s Complaint and permitting him an opportunity to amend the same. (DE 6 and DE 7.) The Orders were mailed to Plaintiff at his address of record. (DE 8.) On September 26, 2022, the Court’s Orders were returned as undeliverable. The returned envelope

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District 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. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

stated, “Return to Sender, Not Deliverable as Addressed, Unable to Forward” and a handwritten note stating “Released.” (DE 9-1.) Plaintiff has not advised the Court of any change of address. Plaintiff has failed to keep the Court apprised of his address, and as a result, neither the Court nor the Defendants have any means of contacting him concerning his case.

The Report was issued on September 26, 2022, recommending this action be dismissed with prejudice. (DE 10, p. 2.) Plaintiff has not filed an objection to the Report. In the absence of objections to the 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).

Accordingly, after a thorough review of the Report and Recommendation and the record in this case, the Court adopts the Report (DE 10) and incorporates it herein.

It is, therefore, **ORDERED** that Plaintiff’s case is summarily dismissed without prejudice.

IT IS SO ORDERED.



Joseph Dawson, III
United States District Judge

Florence, South Carolina
December 19, 2022

NOTICE OF RIGHT TO APPEAL

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.