

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

Kristopher Nechay,)
)
Plaintiff,)
)
vs.)
)
J. Reuben Long Detention Center Medical)
Department; Nurse Katrina; Nurse Daniel;)
and Correctional Officer Borrow,)
)
Defendants.)
_____)

Case No.: 1:22-cv-3063-JD-SVH

ORDER AND OPINION

This matter is before the Court with the Report and Recommendation (“Report”) 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(B)(2)(e) of the District of South Carolina.¹ (DE 19.) Plaintiff Kristopher Nechay (“Plaintiff” or “Nechay”), proceeding *pro se*, brought this action pursuant to 42 U.S.C. § 1983, alleging Defendants J. Reuben Long Detention Center Medical Department; Nurse Katrina; Nurse Daniel; and Correctional Officer Borrow (collectively “Defendants”) violated his constitutional rights by not providing him medical treatment related to severe chin and neck pain. (DE 1.)

On November 9, 2022, the Court issued an Order directing service of Plaintiff’s Complaint. (DE 14.) On December 1, 2022, the Order was returned as undeliverable. (DE 18.) The returned envelope stated, “Return to Sender, Unable to Forward,” and a handwritten note stated “Released.”

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).

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 Plaintiff concerning his case.

The Report was issued on December 2, 2022, recommending dismissal of this action. (DE 19.) 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 19) and incorporates it herein.

It is, therefore, **ORDERED** that Plaintiff’s case is dismissed for failure to prosecute.

IT IS SO ORDERED.



Joseph Dawson, III
United States District Judge

Florence, South Carolina
April 7, 2023

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.