

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

Jatavious Griswald, #00490 120,)
)
Petitioner,)
)
vs.)
)
Warden, Federal Prison Camp,)
)
Respondent.)
_____)

Case No.: 1:23-cv-992-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 15.) Petitioner Jatavious Griswald (“Petitioner” or “Griswald”), proceeding *pro se*, filed a Petition for a writ of habeas corpus action pursuant to 28 U.S.C. § 2241 against respondent Warden, Federal Prison Camp (“Respondent” or “Warden”), alleging the Bureau of Prisons (BOP) failed to apply his earned time credits, as provided by the First Step Act, 18 U.S.C. § 3632(d)(4)(A), and further arguing he has earned enough credit to be eligible for immediate release. (DE 1-1, pp. 2-3.)

On May 9, 2023, the Respondent filed a Motion to Dismiss or for Summary Judgment, alleging among other things Petitioner failed to exhaust his administrative remedies. (DE 11.) Pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the Court advised Petitioner of the summary judgment and dismissal procedures and the possible consequences if he failed to

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).

respond adequately to the motion. (DE 12.) Petitioner filed a Response on May 22, 2023. (DE 14.)

The Report was issued on June 28, 2022, recommending Respondent's Motion for Summary Judgment be granted. (DE 15.) Petitioner 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 finds that there is no clear error on the face of the record, and therefore, the Court adopts the Report (DE 15) and incorporates it herein by reference.

It is, therefore, **ORDERED** that Respondent's Motion for Summary Judgment (DE 15) is granted. Further, it is **ORDERED** that a certificate of appealability is denied because Petitioner has failed to make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.



Joseph Dawson, III
United States District Judge

Florence, South Carolina
July 31, 2023

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.