

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

Darrell Allen Findley,)
)
)
Plaintiff,)
)
v.)
)
United States of America, *et al.*)
)
Defendants.)
_____)

Case No. 1:23-cv-3020-RMG

ORDER AND OPINION

This matter is before the Court on the Report and Recommendation (“R&R”) of the Magistrate Judge (Dkt. No. 12) recommending that the Court dismiss Plaintiff’s amended complaint. For the reasons set forth below, the Court adopts the R&R as the order of the Court and dismisses Plaintiff’s amended complaint.

I. Background and Relevant Facts

Plaintiff, proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983 against 34 defendants, including federal and state executives, local sheriff officers, and private individuals. Plaintiff alleges Defendants “acted in color of law by one ignoring correspondence that describe in full cult action, homicides, fake deaths, and psychic attacks.” (Dkt. No. 12 at 2).

On August 10, 2023, the Magistrate Judge issued an R&R recommending the amended complaint be dismissed without leave to amend. (Dkt. No. 12). Plaintiff did not file objections to the R&R.

II. Legal Standards

a. *Pro Se* Pleadings

This Court liberally construes complaints filed by *pro se* litigants to allow the development of a potentially meritorious case. *See Cruz v. Beto*, 405 U.S. 319 (1972); *Haines v. Kerner*, 404 U.S. 519 (1972). The requirement of liberal construction does not mean that the Court can ignore a clear failure in the pleadings to allege facts which set forth a viable federal claim, nor can the Court assume the existence of a genuine issue of material fact where none exists. *See Weller v. Dep't of Social Services*, 901 F.2d 387 (4th Cir. 1990).

b. Magistrate Judge's Report and Recommendation

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made. Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where the plaintiff fails to file any specific objections, “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.” *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation omitted). Because Plaintiff did not file objections to the R&R, the Court reviews the R&R for clear error.

III. Discussion

The Court finds that the Magistrate Judge ably addressed the issues and correctly concluded that Plaintiff's amended complaint should be dismissed for the various reasons articulated in the R&R. (Dkt. No. 12 at 4-6).

IV. Conclusion

For the reasons set forth above, the Court **ADOPTS** the R&R (Dkt. No. 12) as the order of Court and **DISMISSES** Plaintiff's amended complaint.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
United States District Judge

August 29, 2023
Charleston, South Carolina