

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

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Omeka Samuel,)
v.)
Plaintiff,) C.A. No.: 2:09-cv-3352-RMG
v.)
South Carolina Department of Corrections,)
South Carolina Commission for the Blind,)
and David Green,)
Defendants.)

)

This matter is before the Court upon the recommendation of Magistrate Judge Carr that the Motion to Dismiss filed by Defendant South Carolina Commission for the Blind (“SCCB”) and the Motion to Dismiss filed by the South Carolina Department of Corrections (“SCDC”) both be granted. Because this action was brought pursuant to, *inter alia*, 42 U.S.C. § 1983, this matter was referred to the Magistrate Judge.¹

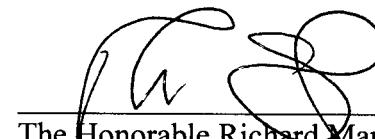
This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge’s report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears Congress did not intend for the district court to review the factual and legal conclusions of the Magistrate Judge. Thomas v. Arn, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the Magistrate Judge’s report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate

¹See 28 U.S.C. § 636(b); Local Rule 73.02(B)(2)(d).

court level. United States v. Schronce, 727 F.2d 91 (4th Cir. 1985).² No objections have been filed to the Magistrate Judge's Report and Recommendation. In fact, Plaintiff indicated that she does not oppose dismissal of Defendants SCCB and SCDC from the instant action.

A review of the record indicates that the Magistrate Judge's report accurately summarizes the case and the applicable law. It is therefore **ORDERED** that the Magistrate Judge's Report and Recommendation is adopted as the Order of this Court. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that Defendants South Carolina Commission for the Blind and South Carolina Department of Corrections are **DISMISSED**.

AND IT IS SO ORDERED.



The Honorable Richard Mark Gergel
United States District Judge

Charleston, South Carolina
September 2, 2010

²In Wright v. Collins, 766 F.2d 841 (4th Cir. 1985), the court held "that a *pro se* litigant must receive fair notification of the consequences of failure to object to a magistrate's report before such a procedural default will result in waiver of the right to appeal. The notice must be 'sufficiently understandable to one in appellant's circumstances fairly to appraise him of what is required.'" Wright, 766 F.2d at 846 (quoting Hudson v. Hardy, 412 F.2d 1091, 1094 (D.C. Cir. 1968)). Plaintiff was advised in a clear manner that his objections had to be filed within fourteen (14) days, and he received notice of the consequences at the appellate level of his failure to object to the Magistrate Judge's report.