

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

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|---|---|--------------------------|
| Jamel Alexander Demorcy, |) | C/A No. 2:10-943-JFA-RSC |
| |) | |
| Plaintiff, |) | |
| vs. |) | ORDER |
| |) | |
| Tyrus Terrell Robberts; Director Jon Ozmint; |) | |
| Security Director Robert Ward; Classification |) | |
| Director Pernell Cromer; Investigator David |) | |
| Hurt; Investigator James A. Smith; Investigator |) | |
| Powell; Investigator Ms. Scoggins, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

The *pro se* plaintiff, Jamel Alexander Demorcy, brings this action pursuant to 42 U.S.C. § 1983 alleging constitutional violations by the defendants.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that this action should be dismissed without prejudice upon the plaintiff’s motion.

The Magistrate Judge authorized service of the complaint on the defendants. The defendants then filed an answer raising various defenses to the plaintiff’s claims. On July 22, 2010, the plaintiff filed a motion to dismiss the complaint, merely contending that “most the claims are not in correct forms or otherwise.” The defendants responded to the motion

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

and request that the court dismiss the action with prejudice.

In his Report, the Magistrate Judge suggests that the court dismiss this action without prejudice in accordance with Fed. R. Civ. P. Rule 41 and with the provision that the plaintiff be prohibited from bringing this action again without permission of the court. The Magistrate Judge also suggests that such permission should be granted freely and upon such terms as the court then considers proper in light of this dismissal.

The parties were advised of their right to file objections to the Report and Recommendation, which was entered on the docket on August 10, 2010. However, none of the parties filed any objections to the Report within the time limits prescribed. The failure of the parties to object to the Report And Recommendation not only waives their appellate rights in this matter, but also relieves the court of any obligation to conduct a de novo review of the issues presented. *See Wells v. Shriners Hospital*, 109 F.3d 198, 199-200 (4th Cir.1997); *Thomas v. Arn*, 474 U.S. 140, 148-153 (1985).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed without prejudice under Rule 41(b) and any outstanding motions are deemed moot.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.
United States District Judge

September 27, 2010
Columbia, South Carolina