

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

Matthew Thomas Pickens,

Plaintiff,

C.A. No.: 2:11-cv-01168-RBH-JDA

VS.

ORDER

United States Department of Justice;
Federal Bureau of Investigation; Janice
Galli McLeod, Associate Director of the
USDOJ; Kevin F. McDonald, Assistant
U.S. Attorney;

Defendants.

Plaintiff, a state prisoner proceeding *pro se*, brought this suit seeking FBI reports relating to his request for a criminal investigation. This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Jacquelyn D. Austin, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this 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, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Neither party has objected to the Report and Recommendation. As a matter of fact, Plaintiff concedes to and agrees with the Magistrate Judge's Report and Recommendation. *See* Obj. [Docket Entry 22] ("Plaintiff do hereby concede [sic] to the Report and Recommendation to dismiss the formention [sic] two defendants in the above-captioned case without prejudice and without service of process."). In the absence of objections to the Report and Recommendation of the Magistrate Judge, 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 reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) stating that "in the absence of a timely filed objection, a district court need not conduct *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.'" (quoting Fed. R. Civ. P. 72 advisory committee's note).

After finding no clear error on the face of the record, and in light of Plaintiff's concession, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

ORDERED that Janice Galli McLeod and Kevin F. McDonald are summarily dismissed as defendants in the above-captioned case without prejudice and without service of process.

IT IS SO ORDERED.

s/R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
June 13, 2011