

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

Timothy Collier,

Plaintiff,

v.

Sheriff Steven Mueller and
Nurse Margaret Lewis,

Defendant.

C/A No. 2:12-01523-TMC

ORDER

The plaintiff, a state prisoner proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983. This matter is before the court for review of the United States Magistrate Judge's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina ("Report").

The magistrate judge makes only a recommendation to this court, and that 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 to which the parties specifically object, and the court may accept, reject, or modify, in whole or in part, the magistrate judge's recommendation, or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

The magistrate judge recommended granting summary judgment to both Defendants as to plaintiff's federal claims, and that any state law claims be dismissed pursuant to 28 U.S.C. § 1367(c).

The magistrate judge advised the plaintiff of his right to file objections to the Report. (ECF No. 56 at 10). However, the plaintiff did not file any objections. In the absence of objections to the Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed

objection, 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.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report and the record in this case, the court adopts the Report (ECF No. 56) and incorporates it herein. It is therefore **ORDERED** that defendants’ Motion for Summary Judgment (ECF No. 30) is **GRANTED** and that plaintiff’s state law claims are **DISMISSED** pursuant to 28 U.S.C. § 1367(c).

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
August 19, 2013

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.