

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Shawn Justin Burris,)
)
 Plaintiff,)
)
 v.)
)
 North Charleston Police Department; Det.)
 Ware; Det. Sturkie; Det. Terry; PTL Scott)
 Michael Thomes; Thomas Eugene)
 Bennett; and SGT Darin Cobb,)
)
 Defendants.)
 _____)

C/A No.: 2:13-cv-00699-GRA-SVH

ORDER
(Written Opinion)

This matter is before the Court for review of United States Magistrate Judge Shiva V. Hodges’s Report and Recommendation made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(d) of the District of South Carolina, and filed on May 16, 2013. ECF No. 22. Plaintiff Shawn Justin Burris (“Plaintiff”), proceeding *pro se*, brought this claim pursuant to 42 U.S.C. § 1983. ECF No. 1. The Magistrate Judge recommends that Plaintiff’s case against the North Charleston Police Department be dismissed without prejudice and without issuance or service of process. The Magistrate Judge authorized the issuance and service of process for the remaining Defendants.

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 this Court. *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, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or

recommit the matter to the magistrate with instructions." *Id.* "The failure to file objections to the report and recommendation waives any further right to appeal." *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987); see *Carter v. Pritchard*, 34 F. App'x 108, 108 (4th Cir. 2002) (per curiam). Furthermore, in the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). In this case, objections to the Report and Recommendation were due on June 3, 2013, and no objections have been filed.

After a review of the record, this Court finds that the Magistrate Judge's Report and Recommendation accurately summarizes the case and the applicable law. Accordingly, for the reasons articulated by the Magistrate Judge, the Report and Recommendation is accepted and adopted in its entirety.

IT IS THEREFORE ORDERED that the case is DISMISSED as to Defendant North Charleston Police Department without prejudice and without issuance or service of process. The claims against the other named Defendants are unaffected by this Order and will proceed.

IT IS SO ORDERED.



G. Ross Anderson, Jr.
Senior United States District Judge

June 13, 2013
Anderson, South Carolina