

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

Alfred Donnie Martin, Jr.	)	
	)	C/A No. 2:13-1510-TMC-BHH
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Broad River Correctional Institution;	)	
Major Sharon Sutton;	)	
Pvt. Jones;	)	
Inmate Richard M. Kough,	)	
	)	
Defendants.	)	

Plaintiff, a prisoner proceeding *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983. This matter is before the court for review of the Report and Recommendation of the United States Magistrate Judge Bruce Howe Hendricks made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil 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 objections are made, 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 Plaintiff filed no objections to the Report and Recommendation.<sup>1</sup> In the absence of objections to the Magistrate Judge's Report and Recommendation, 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

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<sup>1</sup>The Report and Recommendation was mailed to the Plaintiff on July 3, 2013, and returned undeliverable on July 23, 2013. (ECF Nos. 11, 15). The Report was re-mailed on July 23, 2013, and August 8, 2013, to Plaintiff's last known mailing addresses (ECF Nos. 16, 22), and one of the mailings was returned as undeliverable. (ECF No. 29).

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 Recommendation and the record in this case, the court adopts the Magistrate Judge’s Report and Recommendation (ECF No. 10) and incorporates it herein. It is therefore **ORDERED** that Defendants Broad River Correctional Institution and Inmate Richard M. Kough are **DISMISSED** without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

Anderson, South Carolina  
September 4, 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.