

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

David L. Parker,)
)
Petitioner,) Civil Action No.: 2:15-cv-4846-TLW
)
v.)
)
Warden, Tyger River Correctional)
Institution,)
)
Respondent.)
)

ORDER

Petitioner David L. Parker (“Petitioner”), proceeding *pro se*, filed the instant habeas petition pursuant to 28 U.S.C. § 2254. ECF No. 1. Respondent filed a Motion for Summary Judgment on March 28, 2016. ECF No. 14. Petitioner filed a Response, ECF No. 17, and Respondent filed a Reply, ECF No. 18. This matter is before the Court for review of the Report and Recommendation (“the Report”) filed on November 14, 2016 by United States Magistrate Judge Mary Gordon Baker, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(c), D.S.C. ECF No. 19. In the Report, the Magistrate Judge recommends granting the Respondent’s motion for summary judgment and dismissing the petition with prejudice. Objections were due on December 1, 2016, but Petitioner failed to file any objections to the Report. The matter is now ripe for disposition.

The Court is charged with conducting a *de novo* review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained therein. 28 U.S.C. § 636. However, in the absence of objections to the Report, the Court is not required to give any explanation for adopting the Magistrate Judge’s recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, “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 & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

In light of this standard, the Court has carefully reviewed the Report, the relevant filings, and the applicable law and notes that Petitioner has not filed objections to the Report. After careful consideration, the Court accepts the detailed factual and legal analysis by the Magistrate Judge in the Report. It is hereby **ORDERED** that the Report, ECF No. 19, is **ACCEPTED**. For the reasons articulated by the Magistrate Judge, the Respondent’s motion for summary judgment, ECF No. 14, is **GRANTED**.

IT IS SO ORDERED.

s/Terry L. Wooten

TERRY L. WOOTEN

Chief United States District Judge

January 11, 2017
Columbia, South Carolina