

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

|   |   |                            |
|---|---|----------------------------|
| Clarence Small,                           | ) |                            |
|   | ) |                            |
| Plaintiff,                                | ) | C.A. No. 2:16-2553-HMH-MGB |
|   | ) |                            |
| vs.                                       | ) | <b>OPINION &amp; ORDER</b> |
|   | ) |                            |
| Warden Willie L. Eagleton, Official       | ) |                            |
| Capacity; Officer Bradsher; Officer Shaw, | ) |                            |
| all sued in their individual capacities,  | ) |                            |
|   | ) |                            |
| Defendants.                               | ) |                            |

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Mary Gordon Baker, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 of the District of South Carolina.<sup>1</sup> Clarence Small (“Small”), proceeding pro se, alleges a violation of 42 U.S.C. § 1983. In her Report and Recommendation, Magistrate Judge Baker recommends granting the Defendants’ motion for summary judgment and denying Small’s motions for summary judgment. (R&R 15, ECF No. 67.)

Small filed objections to the Report and Recommendation. Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party’s right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the magistrate

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<sup>1</sup> The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District 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. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

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).

Upon review, the court finds that Small's objections are non-specific, unrelated to the dispositive portions of the magistrate judge's Report and Recommendation, or merely restate his claims. Accordingly, after review, the court finds that Small's objections are without merit. Therefore, after a thorough review of the magistrate judge's Report and the record in this case, the court adopts Magistrate Judge Baker's Report and Recommendation and incorporates it herein by reference.

It is therefore

**ORDERED** that the Defendants' motion for summary judgment, docket number 29, is granted. It is further

**ORDERED** that Small's motions for summary judgment, docket numbers 38 and 57, are denied.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
Senior United States District Judge

Greenville, South Carolina  
May 31, 2017

**NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.