

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

Michael A. Breyan, #332098,)
)
Plaintiff,)
)
v.)
)
Capt. Thomas Commander,)
A/W Kenneth Sharp, and Warden)
Cecilia Reynolds,)
)
Defendants.)
_____)

Civil Action No. 2:16-cv-3926-BHH

ORDER

This matter is before the Court upon Plaintiff’s pro se complaint filed pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary determinations. On July 30, 2018, Magistrate Judge Mary Gordon Baker issued a report and recommendation (“Report”) outlining the issues and recommending that the Court grant Defendants’ motion for summary judgment. Attached to the Magistrate Judge’s Report was a notice advising Plaintiff of his right to file written objections to the Report within fourteen days of being served with a copy.

On August 9, 2018, the copy of the Magistrate Judge’s Report, which was mailed to Plaintiff at his last known address, was returned and marked, “return to sender” and “probation release.” Because Plaintiff is a pro se litigant, he was specifically warned a number of times that he must keep the Clerk of Court advised in writing if his address changes for any reason. (See ECF Nos. 6, 12, 21, and 30.) Despite these specific warnings, Plaintiff has failed to keep the Court apprised of his current address, and it

appears that he no longer wishes to pursue this action. Moreover, in the absence of a timely objection, the Court reviews the matter for clear error. (stating that “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.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s findings and recommendation.

Accordingly, the Court adopts the Magistrate Judge’s Report (ECF No. 59) and grants Defendants’ motion for summary judgment (ECF No. 50).

IT IS SO ORDERED.

/s/Bruce H. Hendricks
The Honorable Bruce Howe Hendricks
United States District Judge

August 14, 2018
Charleston, South Carolina