

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

|  |   |                                    |
|--|---|------------------------------------|
| Bilal A. Al-Haqq, <sup>1</sup>           | ) |                                    |
|  | ) |                                    |
| Plaintiff,                               | ) |                                    |
|  | ) | Civil Action No. 2:17-cv-00534-TMC |
| v.                                       | ) |                                    |
|  | ) | <b>ORDER</b>                       |
| Joette D. Scarborough (Division Director | ) |                                    |
| Central Classification and Inmate        | ) |                                    |
| Records), et al.,                        | ) |                                    |
|  | ) |                                    |
| Defendants.                              | ) |                                    |

Plaintiff, a state prisoner proceeding pro se and *in forma pauperis*, brought this action seeking relieve pursuant to Title 42, United States Code Section 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge’s Report and Recommendation (“Report”), that this action be dismissed with prejudice because Plaintiff has failed to state a plausible claim for relief in his Amended Complaint (ECF No. 24) and because Plaintiff’s claims are legally frivolous. (ECF No. 48). The Report also recommended that this dismissal count as a “strike” for purposes of 28 U.S.C. § 1915(g) due to the frivolous nature of Plaintiff’s claims. (ECF No. 48 at 20). Plaintiff was advised of his right to file objections to the Report. (ECF No. 48 at 21). However, Plaintiff filed no objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the

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<sup>1</sup> Plaintiff’s given name is Michael Dion McFadden.

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.” *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 careful and thorough review of the record under the appropriate standards, as set forth above, the court adopts the Report (ECF No. 48), which is incorporated herein by reference. Accordingly, this case is **summarily DISMISSED with prejudice**. Additionally, for the reasons enumerated in the Report, this dismissal counts as a “strike” for purposes of 28 U.S.C. § 1915(g).

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

Anderson, South Carolina  
December 5, 2017

#### 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.