

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

Demontary Payne, )  
                      )  
Petitioner,        )  
                      ) C/A No.: 2:17-cv-1296-TLW  
v.                  )  
                      )  
Ed Carroll,        )  
                      )                           **ORDER**  
Respondent.        )  
                      )  
\_\_\_\_\_

Petitioner Demontary Payne, proceeding *pro se*, filed this petition pursuant to 28 U.S.C. § 2241 challenging his pretrial detainment at the Barnwell County Detention Center. ECF No. 1. This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed on June 7, 2017, by United States Magistrate Judge Mary Gordon Baker, to whom this case was previously assigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civ. Rule 73.02(B)(2), (D.S.C.). In the Report, the Magistrate Judge recommends that this Court dismiss the petition without prejudice. ECF No. 9. The deadline to file Objections to the Report was June 21, 2017. However, Petitioner failed to file objections. This case 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. 9, is **ACCEPTED**. For the reasons stated in the Report, the Petition, ECF No. 1, is **DISMISSED** without prejudice.

**IT IS SO ORDERED.**<sup>1</sup>

s/Terry L. Wooten  
Chief United States District Judge

July 19, 2017  
Columbia, South Carolina

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<sup>1</sup> Unlike in a § 2254 or § 2255 proceeding, it is not necessary for a petitioner to obtain a certificate of appealability to appeal an order dismissing a § 2241 petition. *Sanders v. O'Brien*, 376 F. App'x 306, 307 (4th Cir. 2010).