

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

Worth Edward Cook, III, #293532,)
)
Petitioner,)
)
v.)
)
Warden Kenneth Nelson,)
)
Respondent.)
_____)

Civil Action No. 2:22-904-BHH

ORDER

This matter is before the Court on Petitioner Worth Edward Cook, III’s (“Petitioner”) pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On April 11, 2022, Petitioner filed a motion for stay and abeyance, and on November 7, 2022, Petitioner filed a motion to amend his petition. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), this matter was referred to a United States Magistrate Judge for initial review.

On November 16, 2022, Magistrate Judge Mary Gordon Baker filed a Report and Recommendation (“Report”), outlining the issues and recommending that the Court deny both Petitioner’s motion for stay and abeyance and Petitioner’s motion to amend. Attached to the Report was a notice advising Petitioner of his right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to

which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (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 have been filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and fully agrees with the Magistrate Judge’s findings and recommendations. Accordingly, the Court adopts in full and incorporates herein the Magistrate Judge’s Report (ECF No. 27), and the Court denies both Petitioner’s motion for stay and abeyance (ECF No. 11) and Petitioner’s motion to amend (ECF No. 25).

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

December 6, 2022
Charleston, South Carolina