

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

Yehia Ahmed Reda M. Ahmed,

Plaintiff,

v.

Alejandro Mayorkas, *Secretary of  
Department of Homeland Security*; Ur  
Jaddou, *Director of the United States  
Citizenship and Immigration Services*; The  
Manager of U.S.C.I.S. Charleston, South  
Carolina, *in his/her official capacity*,

Defendants.

Case No. 2:22-cv-03540-RMG

**ORDER AND OPINION**

Before the Court is the Magistrate Judge's Report and Recommendation ("R & R") that this action be dismissed without prejudice for failure to comply with an order of the court. (Dkt. No. 8). Plaintiff did not file an objection to the Magistrate Judge's R & R. For the reasons set forth below, the Court adopts the Magistrate Judge's R & R as the Order of the Court.

**I. Background**

The Plaintiff, proceeding *pro se*, brings this action alleging claims concerning his application for naturalization. (Dkt. No. 1). The Magistrate Judge issued a Proper Form Order directing Plaintiff to file an amended complaint to cure certain pleading deficiencies. (Dkt. No. 5). The Magistrate Judge also warned that a failure to provide the necessary information to bring the case in proper form would result in dismissal of this action. The time to bring the case into proper form has lapsed, and the Magistrate Judge now recommends dismissing this case without prejudice for failure to comply with an order of the court. (Dkt. No. 8). The R & R is now ripe for review.

## II. Standard

The Magistrate Judge makes only a recommendation to this Court that has no presumptive weight. The responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). This Court must make a *de novo* determination of those portions of the R & R Plaintiff specifically objects. Fed. R. Civ. P. 72(b)(2). Where Plaintiff fails to file any specific objections, “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) (internal quotation omitted). “Moreover, in the absence of specific objections to the R & R, the Court need not give any explanation for adopting the recommendation.” *Wilson v. S.C. Dept of Corr.*, No. 9:14-CV-4365-RMG, 2015 WL 1124701, at \*1 (D.S.C. Mar. 12, 2015). *See also Camby v. Davis*, 718 F.2d 198, 200 (4th Cir.1983). Plaintiff has not filed objections in this case and the R & R is reviewed for clear error.

## III. Discussion

The Court finds that the Magistrate Judge correctly addressed Plaintiff’s deficient complaint. Given the pleading deficiencies laid out in the Magistrate Judge’s Proper Form Order (Dkt. No. 5) the Court agrees that it was proper for Plaintiff to be given time to amend his complaint to cure any deficiencies. Plaintiff, however, failed to comply with the court’s Order and his Complaint remained deficient. Plaintiff also failed to provide a response to the Magistrate’s R & R within the time set for filing objections. Because Plaintiff failed to respond to the Magistrate Judge’s Proper Form Order or to the R & R, the Magistrate Judge correctly concluded that

Plaintiff's Complaint should be dismissed without prejudice for failure to comply with an order of the Court.

**IV. Conclusion**

After a thorough review of the R & R and the record in this case, the Court finds that the Report provides an accurate summary of the facts and law. The Court **ADOPTS** the Magistrate Judge's R & R (Dkt. No. 8). It is therefore **ORDERED** that Plaintiff's action is **DISMISSED** without prejudice.

s/ Richard Mark Gergel  
Richard Mark Gergel  
United States District Judge

February 1, 2023  
Charleston, South Carolina