

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

Chief Silver Sanders,

Plaintiff,

v.

City of Charleston, The Probate Court,

Defendants.

Case No. 2:23-04976

**ORDER AND OPINION**

This matter is before the Court on the Magistrate’s Report and Recommendation (“R & R”), recommending the Court dismiss Plaintiff’s case for failing to bring the case into proper form. (Dkt. No. 10). Plaintiff filed a letter in response to the R & R. (Dkt. No. 14). For the reasons set forth below, the Court adopts the R & R as the order of the Court and dismisses Plaintiff’s case.

**I. Background**

Plaintiff, proceeding *pro se*, brings this action alleging that “[t]he City of Charleston ha[s] no right to order a[n] executive chief on his reservation.” (Dkt. No. 1 at 5). For relief, Plaintiff requests “[a] court order not to harass Chief Silver at 12 Gordon St[.] and to keep the executive order of the Chief on this Reservation.” *Id.*

The Magistrate Judge reviewed the Complaint and issued a Proper Form Order, indicating to the Plaintiff that his case may be dismissed if he does not bring this case into proper form within the time permitted. (Dkt. No. 6). Plaintiff, however, failed to comply with the court’s Order and his Complaint remained deficient.<sup>1</sup> The Magistrate Judge then issued an R & R

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<sup>1</sup> The Court notes that, after the issuance of the Proper Form Order, Plaintiff made a filing with an unsigned statement stating “[t]hey don’t want bring the mail to my house[,]” a United States Postal Service Authorization to Hold Mail form that was partially completed by Bobby J. Sanders, and a letter to Bobby J. Sanders from the Social Security Administration dated November 26, 2023. (Dkt. Nos. 9, 9-1). The Court finds that these documents are not relevant to the case and do not respond to the Magistrate’s Proper Form Order.

recommending the Court dismiss this case without prejudice, without leave to amend, and without issuance and service of process. (Dkt. No. 10). Plaintiff wrote a letter in response to the R & R (Dkt. No. 14). The matter is now ripe for the Court's 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. The Magistrate Judge correctly found that the Complaint failed to state a basis for federal court jurisdiction, failed to state a claim, and was not brought in the proper form.

The letter submitted by Plaintiff does not address any issues raised in the R & R and merely restates Plaintiff's claim that Plaintiff "is still being harassed by the probate court." (Dkt. No. 14). This is not a proper objection and is overruled.

Accordingly, the Court adopts the R & R as the Order of the Court and dismisses Plaintiff's Complaint.

#### **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. 10). It is therefore **ORDERED** that Plaintiff's action is **DISMISSED** without prejudice, without leave to amend, and without issuance and service of process.

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

February 13, 2024  
Charleston, South Carolina