

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

MIKAL DEER MAHDI,)	
)	CIVIL ACTION NO. 3:08-1674-CMC-JRM
Plaintiff,)	
)	
v.)	
)	REPORT AND RECOMMENDATION
MR. ROBERT WARD, MS. JARRITA)	
GASTON, MR. DENNIS PATERSON,)	
DR. JOHN SOLOMON, MR. JAMES)	
SLIGH, MR. BERNARD MCKIE,)	
MR. COLIE RUSHTON,)	
)	
)	
Defendants.)	
_____)	

This matter was filed by the Plaintiff, pro se, on April 21, 2008, wherein he alleged a violation of his constitutional rights under 42 U.S.C. § 1983. Defendants filed an answer on August 22, 2008. On August 26, 2008, Plaintiff filed a motion for summary judgment. The Court has now received a motion from the Plaintiff requesting that this case be dismissed, stating that Plaintiff had received the relief sought from the Defendants. Defendants have filed their response to Plaintiff's motion stating that they have no objection.

Therefore, based on the foregoing, it is recommended that Plaintiff's motion be

granted, and that this case be **dismissed**, with prejudice, pursuant to Rule 41(a)(2), Fed.R.Civ.P.

The parties are referred to the Notice Page attached hereto.

A handwritten signature in black ink, appearing to read 'J.R. McCrorey', with a large, stylized flourish at the end.

Joseph R. McCrorey
United States Magistrate Judge

Columbia, South Carolina

September 23, 2008

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Court Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. 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.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005).

Specific written objections must be filed within ten (10) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The time calculation of this ten-day period excludes weekends and holidays and provides for an additional three (3) days for filing by mail. Fed. R. Civ. P. 6(a) & (e). Filing by mail pursuant to Fed. R. Civ. P. 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985).