

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

Issac Jermaine Brown, #14212-171,)
Petitioner,) C.A. No. 3:08-1918-HMH-JRM
vs.) **OPINION & ORDER**
John J. LaManna,)
Respondent.)

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Joseph R. McCrorey made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 of the District of South Carolina.¹ Issac Jermaine Brown (“Brown”) seeks habeas corpus relief pursuant to 28 U.S.C. § 2241. In his Report and Recommendation, Magistrate Judge McCrorey recommends granting Respondent’s motion for summary judgment and dismissing Brown’s § 2241 petition.

Brown filed objections to the Report and Recommendation. Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir.

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1) (2006).

1984). In the absence of specific objections to the Report and Recommendation of the magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that many of Brown's objections are non-specific, unrelated to the dispositive portions of the magistrate judge's Report and Recommendation, or merely restate his claim. However, Brown specifically objected to the magistrate judge's recommendation to dismiss the Privacy Act claim because the Bureau of Prisons ("BOP") is exempt from the Privacy Act. Brown alleges that the BOP is in violation of the Privacy Act. According to Brown, the "BOP has refused to make a notation of . . . information in petitioner's prison file, and the Office of Probation is not exempt from the mandates of the Privacy Act, and has clearly violated the § 552(e)(5) requirement to maintain accurate records." (Objections 4.) Brown's objection is without merit.

As the magistrate judge explains in his Report & Recommendation, the Department of Justice has properly exempted BOP's Inmate Central Record System from the Privacy Act's amendment requirements. See 28 C.F.R. § 16.97. As such, insofar as Brown seeks his remedy under the Privacy Act, his claim fails. Therefore, after a thorough review of the magistrate judge's Report and the record in this case, the court adopts the magistrate judge's Report and Recommendation.

It is therefore

ORDERED that the Respondent's motion for summary judgment, docket number 8, is granted, and Brown's § 2241 petition is dismissed.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
November 19, 2008

NOTICE OF RIGHT TO APPEAL

The Petitioner is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.