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

Derrick H. White, Plaintiff, v. John M. McHugh, Secretary, Department of the Army, Defendant,	Civil Action No. 3:09-01559-MJP-JRM Civil Action No. 3:09-02271-MJP-JRM **ORDER**

This matter is before this Court for a review of Magistrate Judge Joseph R. McCrorey's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1)(A) and Local Rule 73.02(B)(2)(g), D.S.C., and filed September 3, 2010. Plaintiff, proceeding *pro se*, filed the above-captioned actions against the Department of the Army alleging that he was subjected to race discrimination and retaliation during his employment at the Fort Jackson Military Base in Columbia, South Carolina. On June 9, 2010, Defendant filed a Motion to Dismiss the related actions pursuant to Rule 37(b)(2)(A) of the Federal Rules of Civil Procedure because Plaintiff failed to appear for his deposition after having been ordered to do so by the Court. Plaintiff did not file a response to Defendant's motion, but previously sought protection from the Court on June 8, 2010 from having to appear at his deposition. The Magistrate Judge recommends denying Plaintiff's Motion for Protective Order and granting Defendant's Motion to Dismiss. Plaintiff did not file any objections to the Magistrate's Report and Recommendation.

The Magistrate Judge only makes a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. Mathews v. Weber, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo*

determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." Id. In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198 (4th Cir. 1983).

Upon careful consideration of the record, the Court adopts the Magistrate's Report and Recommendation in its entirety. Plaintiff's Motion for Protective Order is **DENIED**. Defendants Motion to Dismiss is granted and these related cases are **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/MATTHEW J. PERRY, JR.
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
October 26, 2010.