

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

Robert McLeod,	)	C/A No. 3:11-174-CMC-PJG
	)	
Plaintiff,	)	
	)	<b>OPINION and ORDER</b>
v.	)	
	)	
Deron McCormick; Dean Benenhaly;	)	
Herbert Williams; and City of Sumter,	)	
	)	
Defendants.	)	
_____	)	

On January 22, 2011, Plaintiff Robert McLeod (“Plaintiff”) filed this action pursuant to 42 U.S.C. § 1981 and § 1983 against Defendants alleging claims for race discrimination and retaliation for exercising his First Amendment rights. Defendants filed a motion for summary judgment on March 1, 2012.

**BACKGROUND**

The matter is currently before the court for review of the Report and Recommendation (“Report”) of Magistrate Judge Paige J. Gossett, made in accordance with 28 U.S.C. § 636 (b) and Local Rule 73.02(B)(2)(g) , D.S.C., and which was filed on September 7, 2012. Dkt. No. 75. The Report recommends that the court grant Defendants’ motion for summary judgment. *Id.* The parties were advised of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. *Id.* Neither party has filed objections to the Report, which were due on September 24, 2012.

**STANDARD**

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo*

determination of any portion of the Magistrate Judge's Report and Recommendation to which a 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 to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). In the absence of an objection, the court reviews the Report and Recommendation only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "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") (citation omitted).

### **CONCLUSION**

The court has reviewed the parties' briefs, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the court adopts and incorporates the Report by reference. For the reasons set forth therein, the court grants Defendants' motion for summary judgment and dismisses Plaintiff's claims with prejudice.

**IT IS SO ORDERED.**

S/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
October 2, 2012