

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

Jasper Bowers,)	
Petitioner,)	C.A. No.: 3:11-2017-RBH
)	
vs.)	ORDER
)	
Director Ronaldo Myers, State of South)	
Carolina,)	
Respondents.)	

Petitioner, proceeding *pro se*, filed this action pursuant to 28 U.S.C. § 2241. Petitioner was a pretrial detainee at the time he filed this action. This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Joseph R. McCrorey, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (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, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the Report and Recommendation.¹ In the absence of 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). The Court reviews only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310 (4th Cir. 2005) stating that “in the absence of a timely filed objection, a district court need not conduct *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.’” (quoting Fed. R. Civ. P. 72 advisory committee's note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

ORDERED that this action seeking a writ of habeas corpus is dismissed *without prejudice* and without requiring the Respondents to file an answer.

¹ Petitioner has not objected to the Magistrate Judge’s Report and Recommendation. As a matter of fact, the copy of the Report and Recommendation that the court attempted to mail to Petitioner was returned undelivered, with its envelope marked “no longer at this address[;] return to sender.” *See* [Docket Entry 20]. In addition, while the court received what is docketed as objections on December 27, 2011, the court notes, upon review, that Petitioner indicated in that document that he had been granted the relief he sought from the state court. Specifically, Petitioner stated that “on 12-16-2011 the [petitioner] did go before the court of magistrates in the county of Richland . . . [and] the court imposed the maximum sentence allowable by law, 30, (thirty days) time served.” [Docket Entry 19]. Petitioner further notified the court that “if this satisf[ied] the United States District Court as pertains to the [petitioner’s] writ of habeas corpus it [was] agreeable to the [petitioner] also.” *Id.* Accordingly, the court concludes that Petitioner has not objected to the Report and Recommendation.

IT IS SO ORDERED.

s/R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
January 10, 2012