

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

Earl O. Graham, Sr.; E.O.G., a minor,)	
and B.J.G., a minor,)	C/A No. 3:11-3374-MBS
)	
Plaintiff,)	
)	
vs.)	
)	OPINION AND ORDER
Leon Lott and Daniel E. Johnson,)	
)	
Defendants.)	
_____)	

At the time of filing of this action, Plaintiff Earl O. Graham was detained at the Alvin S. Glenn Detention Center in Columbia, South Carolina. Plaintiff, proceeding pro se, alleges that Defendants have violated his constitutional rights in various respects. Plaintiff brings the within action pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the within action was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. On March 27, 2012, the Magistrate Judge issued a Report and Recommendation in which she recommended that the case be summarily dismissed without prejudice and without issuance and service of process. The Magistrate Judge also recommended that the court decline to exercise jurisdiction over any state court claims. A copy of the order was sent to Plaintiff at his last known address at the Alvin S. Glenn Detention Center, 201 John Mark Dial Drive, Columbia, South Carolina 29209. On April 5, 2012, the envelope containing Plaintiff’s copy of the Report and Recommendation was returned to the Office of the Clerk of Court, marked “RETURN TO SENDER - NOT DELIVERABLE AS ADDRESSED - UNABLE TO FORWARD.”

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the 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 may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Plaintiff has provided the court with no change of address and the court is unable to provide Plaintiff with a copy of the Report and Recommendation. Accordingly, the within action is dismissed *without prejudice*.

IT IS SO ORDERED.

/s/ Margaret B. Seymour

Chief United States District Judge

Columbia, South Carolina

April 26, 2012

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.