

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

Jeffrey Temples,) C/A No.: 3:12-34-JFA-SVH
)
Plaintiff,)
)
vs.) ORDER
)
United States Postal Service,)
)
Defendant.)
_____)

The *pro se* Plaintiff, Jeffrey Temples, filed the present action in Richland County against the United States Postal Service (USPS) for nonpayment of an insurance claim on a package allegedly not delivered to China. The USPS removed the action to this court, and the present matter is before the court pursuant to the Plaintiff’s motion for default judgment (ECF No. 4) and the Defendant’s motion to dismiss for lack of jurisdiction, motion to dismiss for failure to state a claim, and motion for summary judgment (ECF No. 10).

The Magistrate Judge assigned to this action¹ has prepared a thorough Report and Recommendation and opines that the Respondent’s motion to dismiss should be granted. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. 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. *Mathews v. Weber*, 423 U.S. 261 (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 to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

Petitioner was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on May 8, 2012. Petitioner, however, failed to file objections. In the absence of specific objections to the Report 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).

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference.

Accordingly, the Plaintiff's motion for default judgment is denied, Defendant's motion to dismiss for failure to exhaust administrative remedies is granted, and the action is dismissed without prejudice.

IT IS SO ORDERED.

May 30, 2012
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge