

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

Samuel L. Wilder, #258295,)	C/A NO. 3:12-1743-CMC-JRM
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
)	
William Byars, in his official capacity as)	
Commissioner of South Carolina)	
Department of Corrections, SCDC; Wayne)	
McCabe, in his official capacity as Warden)	
at Lieber Correctional Institution; Linda)	
Jones, in her official capacity as Nurse at)	
Lieber Correctional Institution Health)	
Service,)	
)	
Defendants.)	
_____)	

Plaintiff’s *pro se* complaint alleges claims concerning his medical care, filed in this court pursuant to 42 U.S.C. § 1983. On June 28, 2012, Plaintiff filed a motion for preliminary injunction with his complaint. Dkt. No. 1.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pre-trial proceedings and a Report and Recommendation (“Report”). On January 30, 2013, the Magistrate Judge issued a Report recommending that Plaintiff’s motion for preliminary injunction be denied. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.¹

¹ On February 15, 2013, Plaintiff filed a motion to extend the time for filing objections (originally due February 19, 2013), requesting a 30-day extension to March 21, 2013. The court

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 Report of the Magistrate Judge 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). The court reviews the Report only for clear error in the absence of an objection. *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).

After reviewing the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order. Plaintiff’s motion for preliminary injunction is denied. This matter is returned to the Magistrate Judge for further pretrial proceedings.

IT IS SO ORDERED.

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

Columbia, South Carolina
March 21, 2013

granted Plaintiff’s motion in part, extending the deadline to March 11, 2013. As of March 21, 2013, Plaintiff has filed no objections.