

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

Justin Field,

Plaintiff,

v.

Johnson Food Service; Charles Lakyn;
Mary Glover; T. Blanchard; Wendell
Booker; and Theresa Bratton,

Defendants.

Civil Action No.: 3:16-cv-02295-JMC

ORDER

This matter is before the court upon review of the Magistrate Judge's Report and Recommendation recommending that the case be dismissed, pursuant to Fed. R. Civ. P. 41(b), for pro se Plaintiff Justin Field's ("Plaintiff"), failure to prosecute, (ECF No. 18.) The Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, which 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 objections are made. In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation, *see Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983), and, rather than conducting a *de novo* review, need "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (*quoting* Fed. R. Civ. P. 72 advisory committee's note).

Plaintiff filed this employment discrimination complaint against his former employer

Johnson Food Service. On June 30, 2016, the Magistrate Judge ordered Plaintiff to provide the service documents necessary to advance his case, and to write a short and plain statement of his claim. (ECF No. 9) Plaintiff was warned that the failure to provide the necessary information within a specific time period would subject the case to dismissal. *Id.* Plaintiff did not file a response. The Magistrate Judge filed a second order on July 28, 2016, and ordered Plaintiff to provide the service documents necessary to advance his case, and to write a short and plain statement of his claim. (ECF No. 14.) Plaintiff was again warned that the failure to provide the necessary information within a specific time period would subject the case to dismissal. *Id.* The time for response expired on August 22, 2016, and Plaintiff did not file a response. Based on the above facts, the Magistrate Judge recommended that this case be dismissed without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41. (ECF No. 18.)

Plaintiff was advised of his rights to file specific written objections to the Report and Recommendation and of the consequences for failure to do so. (*Id.* at 3.) However, Plaintiff filed no objections to the Report and Recommendation. After a thorough review of the record in this case, the court finds the Report and Recommendation provides an accurate summary of the facts and law, and the court discerns no clear error in it. Accordingly, the court **ACCEPTS** the Report and Recommendation (ECF No. 18), and this case is **DISMISSED**.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

January 18, 2017
Columbia, South Carolina