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

Kevin Smith, Plaintiff, v. Warren Barney Geise, Katherine Luck Campbell, R. Markley Dennis, Joseph A. Wilson, Renee Lee, Isaac Duffy Stone, Barbara A. Scott, Jeanette W. McBride, Alan Wilson, Richland County Grand Jurors, *In Their Official and Individual Capacities*, Defendants.	C.A. No. 3:16-3230-TMC-BM **ORDER**

Plaintiff, a state prisoner proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that Plaintiff's motion to proceed *in forma pauperis* be denied, Plaintiff be given an opportunity to pay the full filing fee, and the matter be dismissed without prejudice and without issuance and service of process if Plaintiff does not pay the filing fee. (ECF No. 9). Plaintiff was advised of his right to file objections to the Report. (ECF No. 9 at 8). However, Plaintiff filed no objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the

Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "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." *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).

After a thorough review of the Report and the record in this case, the court adopts the Magistrate Judge's Report (ECF No. 9) and incorporates it herein. It is therefore **ORDERED** that Plaintiff's Motion for Leave to Proceed *in forma pauperis* (ECF No. 2) is **DENIED**, and Plaintiff shall have fifteen (15) days from the date of this order to pay the $400.00 filing fee. It is further **ORDERED** that, if Plaintiff fails to timely pay the filing fee, the Complaint shall be **DISMISSED** without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
March 17, 2017

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.