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

Michael Livingston and	
Heather Livingston,	
	Civil Action No.: 3:17-cv-01985-JMC
Plaintiffs,	
	ORDER
v	
Susan Luberoff, M.D.; Angela Scott,	
Department of Social Services;	
Misty Puckett, Deputy Sheriff Richland	
County; Don Robinson, Lieutenant	
Richland County,	
Defendants.	
	)

This matter is before the court upon review of Magistrate Judge Shiva V. Hodges' Report and Recommendation ("Report") (ECF No. 41), filed on February 23, 2018, recommending that Michael and Heather Livingston's (collectively, "Plaintiffs") Motion for Partial Summary Judgment (ECF No. 28) be denied.

The Magistrate Judge's Report 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 to which specific objections are made. *Diamond v. Colonial Life and Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

The parties were advised of their right to file objections to the Report. (ECF No. 41.) Neither party filed objections to the Report.

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). 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). Furthermore, failure to file specific written objections to the Report results in a party's

waiver of the right to appeal from the judgment of the District Court based upon such

recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

After a thorough review of the Report and the record in this case, the court finds the

Report provides an accurate summary of the facts and law and does not contain clear error.

Therefore, the court **ACCEPTS** the Magistrate Judge's Report and Recommendation (ECF No.

41), and **DENIES** the Plaintiff's Motion for Partial Summary Judgment (ECF No. 28).

IT IS SO ORDERED.

United States District Judge

J. Michalla Childs

July 9, 2018 Columbia, South Carolina

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