

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

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William Edward Ray,)
)
Plaintiff,)
)
v.)
)
Detective Lt. Curtis Killian, Lt.)
John Gardner, Officer Mike Irwin,)
)
Defendants.)
_____)

Civil Action No. 4:09-440-SB

ORDER

This matter is before the Court upon the Plaintiff's pro se complaint, filed pursuant to 42 U.S.C. § 1983. By local rule, the matter was referred to a United States Magistrate Judge for preliminary determinations.

On November 12, 2009, the Defendants filed a motion for summary judgment. Thereafter, the Magistrate Judge issued an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising the Plaintiff of the summary judgment procedure and informing the Plaintiff of the need to respond to the Defendants' motion. The Magistrate Judge granted the Plaintiff an extension of time to respond until January 28, 2010, but the Plaintiff failed to respond.

Then, on February 18, 2010, the Defendants filed a motion to dismiss based on Rule 41 of the Federal Rules of Civil Procedure. The Court again advised the Plaintiff, pursuant to Roseboro, of the possible consequences of failing to respond to the Defendants' motion. Despite this warning, the Plaintiff again failed to respond.

On March 26, 2010, the Magistrate Judge issued a report and recommendation ("R&R") analyzing the case and recommending that the Court dismiss the complaint for

failure to prosecute. The Magistrate Judge further recommended that the Court grant the Defendants' motion to dismiss and find moot the Defendants' motion for summary judgment. Attached to the R&R was a notice advising the Plaintiff of his right to file specific, written objections to the R&R within fourteen days of the date of service of the R&R. To date, no objections have been filed.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the Plaintiff did not file any specific, written objections, the Court need not conduct a de novo review of any portion of the R&R.

Based on the foregoing, the Court adopts the R&R as the Order of the Court, and it is hereby

ORDERED that the Plaintiff's complaint is dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Therefore, the Defendants' motion to dismiss (Entry 36) is granted, and the Defendants' motion for summary judgment (Entry 30) is deemed moot.

AND IT IS SO ORDERED.


The Honorable Sol Blatt, Jr.
Senior United States District Judge

April 13, 2010
Charleston, South Carolina

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