

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

Christopher Michael Bullard, )  
Plaintiff, ) C/A No. 4:10-2665-RMG  
 )  
v. ) **ORDER**  
 )  
Sgt. Terrence Forde; Sgt. David Merritts; )  
Cpl. Marado Smalls; Sgt. Scott Jones; )  
Ofc. Richard Allen; Sgt. Ernest Wilson; and )  
Lt. Manigault, )  
Defendants. )  
 )

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Plaintiff brought this *pro se* action pursuant to 42 U.S.C. § 1983. This case was automatically referred to the United States Magistrate Judge for all pretrial proceedings pursuant to the provisions of 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) D.S.C. The Magistrate Judge recommended dismissing Plaintiff's claims for failure to prosecute due to Plaintiff's failure to respond to Defendants' motion to dismiss and Plaintiff's failure to comply with a court order (Dkt. No. 40). The Magistrate Judge advised Petitioner of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if they failed to do so. Plaintiff has also failed to object to the Report. As shown herein, this Court has reviewed the Record for any errors of law and agrees with the Magistrate Judge's Report and adopts it as the Order of this Court.

**Discussion**

The magistrate judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and

Recommendation to which specific objection is made, and this Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). This Court may also “receive further evidence or recommit the matter to the magistrate with instructions.” *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983).

After reviewing the record of this matter for any errors of law, the applicable law, the Report and Recommendation of the Magistrate Judge, the Court agrees with the conclusions of the Magistrate Judge. Here, the Magistrate Judge twice instructed Plaintiff of the importance of filing a response to Defendants’ motion to compel discovery and Defendants’ motion to dismiss. (Dkt. Nos. 31 & 37). Nevertheless, Plaintiff failed to file any response. Plaintiff also failed to comply with the court’s order of March 29, 2011, with regard to discovery. Further, Plaintiff has not objected to the Magistrate Judge’s recommendation that this action be dismissed for failure to prosecute. (Dkt. No. 40). It appears that the Plaintiff no longer wishes to pursue this action. As a result, this Court adopts the Magistrate Judge’s Report and Recommendation as the order of this Court and incorporates it herein.

### **Conclusion**

Accordingly, Defendants’ motion to dismiss is **GRANTED**. Further, the Complaint is **DISMISSED with prejudice** for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir.1982) and for failure to comply with a court order pursuant to Rule 37 of the Federal Rules of Civil Procedure.

**AND IT IS SO ORDERED.**



Richard Mark Gergel  
United States District Court Judge

July 11, 2011  
Charleston, South Carolina