

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

| | | |
|--|---|--------------------------|
| Dexter Antonio Sheppard, #312344, |) | C/A NO. 4:11-486-CMC-TER |
| |) | |
| Plaintiff, |) | |
| |) | OPINION and ORDER |
| v. |) | |
| |) | |
| Lt. Robert Forrest, Timothy Riley, Warden, |) | |
| Jonathan Ozmint, Agency Director, Gary |) | |
| D. Lane, Associate Warden, Ann B. |) | |
| Hallman, Central Grievance Director, |) | |
| Jerry C. Alexander, Capt. at TRCI, |) | |
| Christine Thompson Grievance |) | |
| Coordinator, Laura E. Caldwell, Associate |) | |
| Warden, R.L. Turner, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

This matter is before the court on Plaintiff’s *pro se* complaint, filed in this court pursuant to 42 U.S.C. § 1983. As noted by Defendants, Plaintiff alleges “false imprisonment...malicious accusation, malicious prosecution, joint negligence [and] malicious injury all under the 1983 section.” (*See* Compl. at 4 (ECF No. 1). As construed by the Defendants and the Magistrate Judge, it appears that Plaintiff’s claims are more correctly construed as a single allegation that his due process rights were violated during a disciplinary hearing which occurred April 14, 2010.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Thomas E. Rogers, III, for pre-trial proceedings and a Report and Recommendation (“Report”). On July 30, 2012, the Magistrate Judge issued a Report recommending that Defendants’ motion for summary judgment be granted, and that all other pending motions be deemed moot. The Magistrate Judge advised Plaintiff of the

procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “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.”) (citation omitted).

After considering the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the Report and its conclusions. Therefore, the court adopts and incorporates the Report by reference in this order.

Defendants’ motion for summary judgment is **granted** and this matter is dismissed with prejudice. All other pending motions are hereby deemed **moot**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
August 16, 2012