

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

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Joe Ward,)
)
 Plaintiff,)
)
 v.)
)
 Doctor Leopoldo Muniz;)
 Cathy Brown;)
 Nurse Harris;)
 Nurse Roshell Smith;)
 Aiken County Sheriff's Office,)
)
 Defendants.)

Civil Action No. 4:12-3303-SB

ORDER

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

On February 6, 2013, Magistrate Judge Thomas E. Rogers III issued a report and recommendation ("R&R") outlining the issues and recommending that the Court dismiss Defendant Aiken County Sheriff's Office from this action without prejudice and without issuance and service of process. Attached to the R&R was a notice advising the Plaintiff of his right to file written objections to the R&R within fourteen days of receiving it. To date, the Plaintiff has not filed any objections.


The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the R&R to which specific objections are made, and the Court may accept, reject, or modify, in whole or in

part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. 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.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections have been filed, the Court has reviewed the Magistrate Judge’s findings and recommendations for clear error. Finding none, the Court agrees with the Magistrate Judge that the Plaintiff’s claims against the Aiken County Sheriff’s Office are subject to summary dismissal. Accordingly, the Court hereby adopts the R&R (Entry 17), and it is

ORDERED that Defendant Aiken County Sheriff’s Office is dismissed from this case without prejudice and without issuance and service of process.

AND IT IS SO ORDERED.



Sol Blatt, Jr.
Senior United States District Judge



March 11, 2013
Charleston, South Carolina