

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Sylvester Wolfe, ) C/A No. 4:13-2005-JFA-TER  
 )  
 Plaintiff, )  
 )  
 vs. ) ORDER  
 )  
 William R. Byars, Jr.; Dr. Thomas E. Bryne, )  
 MD; and Warden John M. Pate, )  
 )  
 Defendants. )  
 )

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The *pro se* plaintiff, Sylvester Wolfe, brings this pursuant to 42 U.S.C. § 1983, alleging that the defendants violated his constitutional rights. The plaintiff is incarcerated with the South Carolina Department of Corrections. He seeks damages for allegations of medical indifference by the defendants.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation and suggests that defendant Byars be summarily dismissed from this action. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and

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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. 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. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is 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. See 28 U.S.C. § 636(b)(1).

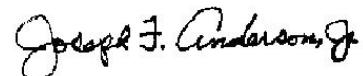
Recommendation, which was entered on the docket on August 21, 2013. However, the plaintiff did not file objections and the time within which to do so has now expired. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

The Magistrate Judge opines that the allegations fail to state a plausible § 1983 claim for medical indifference and/or supervisory liability against defendant Byars. This court agrees.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court adopts the Magistrate Judge's recommendation and incorporates the Report herein by reference. Accordingly, defendant Byars is dismissed without prejudice from this action.

This matter shall be returned to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.  
United States District Judge

September 23, 2013  
Columbia, South Carolina