

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Preston Mullinax,)	
)	No. 4:14-cv-2047
Plaintiff,)	
)	ORDER
vs.)	
)	
Lt. James Martin,)	
)	
Defendant.)	
_____)		

This matter comes before the Court on the Report and Recommendation (R & R) of the Magistrate Judge (Dkt. No. 31), recommending that Plaintiff’s Motion for Temporary Restraining Order/Injunctive Relief (Dkt. No. 11) be denied. No party has filed objections to the R & R. For the reasons stated below, the Court ADOPTS the R & R and DENIES Plaintiff’s motion.¹

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, 270–71 (1976). The 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 is charged with making a de novo determination of those portions of the R & R to which specific objection is made. Here, however, because no objection has been made, this Court “must ‘only satisfy itself that there is no clear error on the face of the

¹ This matter is stayed pursuant to the Servicemembers Civil Relief Act because Defendant Martin is currently serving on active duty in the military. (Dkt. Nos. 35, 38). The deadline for Plaintiff to object to the R & R passed without objection before the Court stayed the case. Because the Court’s Order in no way affects the rights Defendant Martin, the Court issues this Order despite the stay.

record in order to accept the recommendation.”” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P 72 advisory committee note). Moreover, in the absence of specific objections to the R & R, the Court need not give any explanation for adopting the Magistrate Judge’s analysis and recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983).

After reviewing Plaintiff’s motion, the Court agrees with the Magistrate Judge that Plaintiff has failed to specify the relief that he seeks; therefore, the Court cannot grant any relief. The Court also agrees that Plaintiff has failed to show the four *Winter* factors. THEREFORE, the Court, **ADOPTS** the Magistrate Judge’s Report and Recommendation, (Dkt. No. 31), as the order of this Court. Accordingly, Plaintiff’s (Dkt. No. 11) is **DENIED**.

IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

December 11, 2014
Charleston, South Carolina