

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

Anthony Ray Brown,	)	Civil Action No. 4:15-711-BHH
	)	
Plaintiff,	)	
	)	
vs.	)	<b>ORDER AND OPINION</b>
	)	
Dillon County; Dillon County Sheriff's	)	
Office; Major Hulon, in his official	)	
capacity as Sheriff; and Randy Tyler, in	)	
his individual and official capacities,	)	
	)	
Defendants.	)	

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Plaintiff Anthony Ray Brown (“Plaintiff”), who is represented by counsel, brought this action pursuant to Title 42, United States Code, Section 1983. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B), D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers, III, for pre-trial handling and a Report and Recommendation (“Report”).

This matter is before the Court on Defendants’ motion for settlement enforcement which was filed on October 21, 2015. (ECF No. 23.) Plaintiff did not file a response, and time to do so expired on November 9, 2015. On November 24, 2015, Magistrate Judge Rogers issued a Report recommending Defendants’ motion to enforce settlement be granted. (ECF No. 28 at 4.). The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences for failure to do so. (ECF No. 28-1.) Neither party filed objections, and the time for doing so expired on December 11, 2015.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. *Mathews v. Weber*, 423 U.S. 261, 270, 96 S.Ct. 549,

46 L.Ed.2d 483 (1976). The Court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). 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.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and Defendant's Motion to Enforce Settlement (ECF No. 23) is hereby granted and this action is dismissed.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks  
United States District Judge

December 18, 2015  
Greenville, South Carolina

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#### **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.