

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

Daryl Williams,)	Civil Action No.: 4:15-2329-BHH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER AND OPINION
)	
Horry County Police Department,)	
)	
Defendant.)	
_____)	

Plaintiff Daryl Williams (“Plaintiff”), filed this action against his former employer, Horry County Police Department (“Defendant”), asserting claims pursuant to Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000e, *et seq.*), and 42 U.S.C. § 1981. (ECF No. 1-1.) In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Kaymani D. West for pre-trial handling and a Report and Recommendation (“Report”).

This matter is before the Court on Defendant’s Motion to Dismiss for Lack of Prosecution (ECF No. 50). On June 21, 2016, Magistrate Judge West issued a Report recommending that Defendant’s Motion to Dismiss be granted and this matter be dismissed *with prejudice* for failure to prosecute. (ECF No. 56.) 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. (ECF No. 56-1.) Plaintiff filed no objections and the time for doing so expired on July 8, 2016.

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, the Court finds the Magistrate Judge’s recommendation to be proper and to evince no clear error. Accordingly, the Report and Recommendation is adopted and incorporated herein by reference. Defendant’s Motion to Dismiss for Lack of Prosecution (ECF No. 50) is GRANTED, and this action is DISMISSED *with prejudice*.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

July 29, 2016
Greenville, South Carolina

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.