



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

BRANDON DIQUAN HICKLIN,
Plaintiff,

vs.

TURBEVILLE CORRECTIONAL
INSTITUTE, SGT. EMANUEL JUAN
CARSTELLO, WARDEN SHARP,
MAJOR SHAVALLA,
and SGT. ALLISON,
Defendants.

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CIVIL ACTION NO. 4:15-2905-MGL-TER

ORDER ADOPTING THE REPORT AND RECOMMENDATION AND
DISMISSING THE ACTION WITHOUT PREJUDICE AND WITHOUT SERVICE OF
PROCESS AS TO DEFENDANTS TURBEVILLE CORRECTIONAL INSTITUTION,
SHARP, SHAVELLA AND ALLISON

This is a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting to the Court that Plaintiff's action be dismissed without prejudice and without service of process as to Defendants Turbeville Correctional Institution, Sharp, Shavella and Allison. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo

determination of those portions of the Report 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 with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on December 30, 2015, but Plaintiff failed to file any objections. “[I]n 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) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court that Plaintiff’s action is **DISMISSED WITHOUT PREJUDICE AND WITHOUT SERVICE OF PROCESS** as to Defendants Turbeville Correctional Institution, Sharp, Shavella and Allison.

IT IS SO ORDERED.

Signed this 26th day of May, 2016, in Columbia, South Carolina.

s/ Mary G. Lewis
MARY G. LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.