

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

Aryee Henderson,)	Civil Action No. 4:16-947-BHH
)	
Plaintiff,)	
)	
vs.)	ORDER AND OPINION
)	
Dr. Randolph, Medical Physician; Sgt.)	
Smalldone, prison Guard; Ms.)	
Scarborough, Food services Supervisor;)	
Ms. Richburg, Food Services Supervisor;)	
Ms. Janice, Food Services Supervisor; S.)	
Kinard, Food Service Supervisor,)	
)	
Defendants.)	
_____)	

Plaintiff, who is proceeding pro se and in forma pauperis, filed this action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary determinations.

On August 31, 2017, Magistrate Judge Thomas E. Rogers, III, issued a Report and Recommendation (“Report”) outlining Plaintiff’s claims and recommending that the Court grant Defendants’ pending motions for summary judgment and dismiss this case. (ECF No. 135.) Attached to the Magistrate Judge’s Report was a notice advising Plaintiff of the right to file written objections to the Report within fourteen days of being served with a copy. (ECF No. 135-1.) To date, Plaintiff has filed no objections and, after he was granted an extension of time (see ECF No. 138), the time for doing so expired on October 10, 2017.

The Magistrate Judge makes only a recommendation to the 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 only of those portions of the Report to which specific objections are 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. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “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.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds the Magistrate Judge’s recommendation to be proper and to evince no error, and agrees with the Magistrate Judge’s findings.

Accordingly, the Court adopts and incorporates the Magistrate Judge’s Report (ECF No. 135) herein by specific reference. Defendants’ motions for summary judgment (ECF Nos. 114 & 115) are GRANTED, and this case is dismissed.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

October 23, 2017
Charleston, 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.