

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

LeVance Addison,)	Civil Action No.: 4:16-cv-02855-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Kenny Boone, <i>FC</i> SO; and)	
Wayne Bird, <i>DC</i> SO,)	
)	
Defendants.)	
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This matter is before the Court for review of the Report and Recommendation (R & R) of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2) (D.S.C.). *See* R & R [ECF No. 38]. The Magistrate Judge recommends that the Court dismiss this case with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and for failure to comply with a court order. R & R at 2.

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 this Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a de novo determination of those portions of the R & R 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. *See* 28 U.S.C. § 636(b)(1).

Plaintiff has not filed objections to the R & R,¹ and the time for doing so has expired.² In the

¹ The Clerk mailed Plaintiff a copy of the R & R on June 27, 2017. *See* ECF No. 39. On July 19, 2017, that mailing was returned as undeliverable, with the envelope marked “RELEASED; LEFT NO ADDRESS.” *See* ECF No. 42.

The record shows that on August 24, 2016, the Magistrate Judge issued an order informing Plaintiff that he was responsible for notifying the Clerk in writing if his address changed, that his failure to do so would not be excused by the Court, and that “**your case may be dismissed for violating this Order.**” ECF No. 7 at 2. Plaintiff,

absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199-200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. 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 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)).

After a thorough review of the record in this case, the Court finds no clear error and hereby adopts and incorporates by reference the R & R [ECF No. 38] of the Magistrate Judge. Accordingly, the Court **DISMISSES** this case *with prejudice* pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

Florence, South Carolina
July 26, 2017

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

who apparently has been released from prison, has failed to notify the Clerk of his new address and thus has failed to comply with the August 24 order. *See generally Ballard v. Carlson*, 882 F.2d 93, 95-96 (4th Cir. 1989) (finding the district court did not abuse its discretion in dismissing the plaintiff's action with prejudice because the magistrate judge "specifically warned [the plaintiff] that failure to comply with [an] order would result in a recommendation that the district court dismiss the suit").

² Plaintiff's objections were due by July 14, 2017. *See* ECF No. 38.