



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

ANDRE JUSTE, §
Plaintiff, §
§
vs. § CIVIL ACTION NO. 4:16-3833-MGL
§
AGENT MARTINEZ, §
FEDERAL BUREAU OF INVESTIGATION, §
JAMES COMEY, DIRECTOR, §
LORETTA E. LYNCH, Attorney General, §
ASHTON CARTER, §
JAMES POWELL COLLINGS, §
BARACK OBAMA, §
Defendants. §

ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND DISMISSING THE COMPLAINT
WITHOUT PREJUDICE AND WITHOUT ISSUANCE AND SERVICE OF PROCESS
AND SETTING FORTH THE PROCEDURE TO BE FOLLOWED
IN ANY FUTURE FILINGS BY PLAINTIFF

This case was filed as 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 the Complaint be dismissed without prejudice and without issuance and service of process. The Magistrate Judge also sets forth a proposal as to how any future fillings by Plaintiff be handled. 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 February 3, 2017, and the Clerk entered Plaintiff's objections on February 21, 2017. The Court has reviewed Plaintiff's objections, but holds them to be without merit. Hence, it will enter judgment accordingly.

The only two mentions of the Report are in the caption of Plaintiff's submission and his statement "I am objecting [to] the Report and Recommendation since the Appellant[s] have not [indecipherable] the Defendant and have not answer[ed] the Plaintiff['s] complaint . Objections 1. Given Plaintiff's failure to lodge a specific objection to the Report, the Court will overrule this objection.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court the Complaint is **DISMISSED WITHOUT PREJUDICE** and without issuance and service of process.

The Magistrate Judge has set out a proposal in the Report as to how he suggests any future filings by Plaintiff be handled. The Court interprets Plaintiff's failure to address this proposal as his consent to it. Therefore, the Magistrate Judge shall follow the procedures set forth in the Report as to any of Plaintiff's future filings.

IT IS SO ORDERED.

Signed this 28th day of February, 2017, in Columbia, South Carolina.

s/ Mary Geiger Lewis

MARY GEIGER LEWIS

UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

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