

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

Michael James Cline, #156213,)	
)	
Plaintiff,)	C.A. No. 4:17-623-HMH-JDA
)	
vs.)	OPINION & ORDER
)	
Horry Co. Solicitor's Office;)	
Robert Colher, Appointed from)	
Spartanburg Due to Conflict of Interest;)	
Judge Roger Young, Sentencing Judge;)	
Warden Willie Eagleton, Evans, C.I.,)	
)	
Defendants.)	

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Jacquelyn D. Austin, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 of the District of South Carolina.¹ Michael James Cline (“Cline”), proceeding pro se, alleges a violation of 42 U.S.C. § 1983. In her Report and Recommendation, Magistrate Judge Austin recommends dismissing this case without prejudice and without issuance of service of process because it is barred by Heck v. Humphrey, 512 U.S. 477 (1994). (R&R 5, ECF No. 14.)

Cline filed a motion to dismiss his complaint against Judge Roger Young and to waive the filing fee. However, Cline filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the magistrate judge, this court is

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District 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 Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Austin's Report and Recommendation and incorporates it herein. Further, the court denies Cline's motion to dismiss Judge Roger Young and to waive the filing fee.

It is therefore

ORDERED that this action is summarily dismissed without prejudice and without issuance and service of process. It is further

ORDERED that Cline's motion to dismiss and to waive the filing fee, docket number 16, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
May 23, 2017

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.