

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

David Allen Black, #1067536011220, )  
)  
Plaintiff, )  
)  
v. )  
)  
John F. Marano, IV, )  
)  
)  
Defendant. )

Civil Action No. 4:17-cv-03265-TMC-TER

**ORDER**

Plaintiff, a pretrial detainee proceeding *pro se* and *in forma pauperis*, brought this action seeking relieve pursuant to Title 42, United States Code Section 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending that the district court partially summarily dismiss the Complaint without prejudice as to the counts of false arrest, malicious prosecution, and deprivation of property. (ECF No. 8 at 6). The Report notes that in a separately docketed order, the court had authorized the service of process on the Defendant solely on the claim of deliberate indifference to medical care. (ECF No. 8 at 6–7). Plaintiff was advised of his right to file objections to the Report (ECF No. 8 at 8); however, Plaintiff did not file any objections, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “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.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful and thorough review of the record under the appropriate standards, as set forth above, the court adopts the Report (ECF No. 8), which is incorporated herein by reference. Accordingly, the case is **PARTIALLY SUMMARILY DISMISSED without prejudice** as to the claims of false arrest, malicious prosecution, and deprivation of property. The Plaintiff’s case may proceed on the claim of deliberate indifference to medical care. The court authorized issuance and service of process on Defendant solely on the claim of deliberate indifference of medical care.

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

Anderson, South Carolina  
January 9, 2018

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.