

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

JAMES WALTER ALEXANDER,)
)
Plaintiff,)
)
vs.)
)
SGT TAWANA HARDEN,)
)
Defendant.)
_____)

Case No.: 4:20-cv-01214-JD

OPINION & ORDER

This matter is before the Court with the Report and Recommendation of United States Magistrate Thomas E. Rogers, III (“Report and Recommendation”), made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2) of the District of South Carolina.¹ James Walter Alexander (“Alexander” or “Plaintiff”), proceeding *pro se*, seeks damages based on alleged civil rights violations pursuant to 42 U.S.C. § 1983.

Plaintiff filed a Complaint against Sgt. Tawana Harden (“Harden” or “Plaintiff”) on March 30, 2020. (DE 1.) Plaintiff filed an Amended Complaint on May 6, 2020. (DE 13.) On February 9, 2021, Harden filed a Motion for Summary Judgment. (DE 56.) As the Plaintiff is proceeding *pro se*, the Magistrate issued an Order on February 10, 2021, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the motion for summary judgment procedure and the possible consequences if he failed to respond adequately. (DE 57.) Because Plaintiff did not file a response, the Magistrate issued an Order giving the Plaintiff fourteen days to inform the

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).

Court if he plans to proceed and file a response to the Motion for Summary Judgment. (DE 60.) To date, Plaintiff has not filed a response to the Court's Order or Defendant's motion. A Report and Recommendation was issued on April 16, 2021, recommending that this action be dismissed for failure to prosecute pursuant to Fed. R. Civ. Proc. 41(b) with prejudice, because Plaintiff has abandoned this lawsuit and it appears there are no less drastic sanctions available. (DE 64.)

The Plaintiff filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court 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 thorough review of the Report and Recommendation and the record in this case, the Court adopts the Report and Recommendation and incorporates it herein.

It is, therefore, **ORDERED** that Plaintiff's Complaint is dismissed for failure to prosecute pursuant to Fed. R. Civ. Proc. 41(b) with prejudice.

IT IS SO ORDERED.



Joseph Dawson, III
United States District Judge

Greenville, South Carolina
July 16, 2021

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.