

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

Daniel Luis Perez Flores, #61529-056,)
)
Petitioner,)
)
vs.)
)
Warden, FCI Bennettsville,)
)
Respondent.)
_____)

Case No.: 4:21-cv-00372-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 Petitioner Daniel Luis Perez Flores (“Flores” or “Petitioner”), a federal prisoner, brought this Petition for a Writ of Habeas Corpus without the aid of counsel under 28 U.S.C. § 2241. (DE 1.) Thereafter, an Order was issued on February 11, 2011, regarding the Petition’s deficiencies, to include the absence of any grounds or request for relief and a statement regarding Petitioner’s pursuit of administrative remedies with the Bureau of Prisons. (DE 10.) The Court issued a second Order on March 19, 2011, reiterating the same deficiencies. (DE 15.) Petitioner failed to respond to either Order.

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).

The Report and Recommendation was filed on April 14, 2021, recommending the Petition be summarily dismissed because Petitioner did not fully complete the Petition Form and did not argue any grounds or request for relief. (DE 20.)

The Petitioner 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 the petition for Writ of Habeas Corpus is dismissed without prejudice and without requiring the Respondent to file a return. Further, it is **ORDERED** that a certificate of appealability is denied because Defendant has failed to make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.


Joseph Dawson, III
United States District Judge

Greenville, South Carolina
June 4, 2021

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.