## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

Antwan Robinson,	) C/A No. 5:11-2259 DCN
Plaintiff,	) )
VS.	) )
Eileen Delany, NP; Jacqueline C. Gambrell, HSC I; Major Dennis Bush, Security; Mr. Wilson, CCC IV; Pamela Whitley, Regional Director; Sylvia Roberts, CCC IV; Mr. Williams HSC I; Ms. W. Wardy,	
Defendant.	) ) )

The above referenced case is before this court upon the magistrate judge's recommendation that the action be dismissed with prejudice for failure to prosecute.

This court is charged with conducting a <u>de novo</u> review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. Thomas v Arn, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. <u>United States v.</u>
Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984). No objections

<sup>&</sup>lt;sup>1</sup>In <u>Wright v. Collins</u>, 766 F.2d 841 (4th Cir. 1985), the court held "that a <u>pro se</u> litigant must receive fair notification of the <u>consequences</u> of failure to object to a magistrate judge's report before such a procedural default will result in waiver of the right to appeal. The notice

## have been filed to the magistrate judge's report and recommendation.

A <u>de novo</u> review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's report and recommendation is **AFFIRMED**, and the action is hereby **DISMISSED** with prejudice for failure to prosecute.

AND IT IS SO ORDERED.

David C. Norton

United States District Judge

April 23, 2012 Charleston, South Carolina

## NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.