

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

Richard Curtis Freeman, II,)	
)	C/A No. 5:12-398-TMC
Plaintiff,)	
)	
v.)	ORDER
)	
Florence County Detention Center; Major)	
Norris; Captain Brunson; Lt. L'Amanda Smith;)	
Nurse Nancy,)	
)	
Defendants.)	

Plaintiff, a state prisoner proceeding pro se and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983. This matter is before the court for review of the Report and Recommendation of the United States Magistrate Judge Kaymani D. West made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina.¹

The Plaintiff filed no objections to the Report and Recommendation. In fact, the Report and Recommendation, which was mailed to Plaintiff's last known address, was returned undeliverable and marked "released." (Dkt. No. 75). Plaintiff was advised by order filed February 28, 2012, of his responsibility to notify the court in writing if his address changed and that his case could be dismissed for failing to comply with the court's order. (Dkt. No. 9).

Based on the foregoing, it appears the Plaintiff no longer wishes to prosecute

¹The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this 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 objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation, or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1)

this action. It is therefore **ORDERED** that the action is **DISMISSED** with prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
April 9, 2013

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.