

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

Corey Jawan Robinson, # 294233,)
)
Plaintiff,)
v.)
)
Albert Mack; Dessirene Lloyd;)
Loretta Aiken; Assoc.)
Warden Fred Thompson;)
Major Thierry Nettles;)
Classification Ms. D. Bailey;)
Cpt. T. Clark;)
Lolita M. Lee; Sherisse D. Birch;)
Warden Wayne McCabe;)
Cpt. Ann Sheppard; Tanya F. McCants;)
Cpt. William Brightharp;)
IGC B. J. Thomas;)
Cpt. McBride; Ann Hallman,)
)
Defendants.)
_____)

Civil Action No.: 5:12-cv-03358-JMC

ORDER

This matter is before the court for review of the Magistrate Judge's Report and Recommendation ("Report") [Dkt. No. 21], filed on February 15, 2013, recommending that the court dismiss Defendant's IGC B.J. Thomas and Ann Hallman without service of process and without prejudice. It is further recommended that the case proceed against the remaining Defendants. Plaintiff brought this action seeking relief pursuant to Title 42 U.S.C. § 1983. The Report sets forth in detail the relevant facts and legal standards on this matter which the court incorporates herein without a recitation.

The Magistrate Judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. "The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final

determination.” *Wallace v. Hous. Auth.*, 791 F. Supp. 137, 138 (D.S.C. 1992) (citing *Matthews v. Weber*, 423 U.S. 261, 271 (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).

Plaintiff was advised of his right to file objections to the Report [Dkt. No. 21 at 5]. However, Plaintiff filed no objections to the Report.

In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation. *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) (*quoting* Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

Therefore, after a thorough and careful review of the Magistrate Judge’s Report and Recommendation, and the record in this case, the court finds the Magistrate Judge’s Report provides an accurate summary of the facts and law in the instant case and the record in this case, the court **ACCEPTS** the Report and Recommendation [Dkt. No. 21]. For the reasons articulated by the Magistrate Judge, it is therefore **ORDERED** that Defendant’s IGC B.J. Thomas and Ann Hallman

are hereby **DISMISSED** from the above-listed case *without* prejudice and without service of process. It is further ordered that the case will continue to proceed against the remaining Defendants [Dkt. No. 21].

IT IS SO ORDERED.

A handwritten signature in black ink that reads "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

March 6, 2013
Greenville, South Carolina