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

Kenwood Bright,	)	C/A No. 5:13-cv-0003 DCN
Plaintiff,	)	<u>ORDER</u>
VS.	)	
Lieutenant James William; Lieutenant	)	
Lasley; Captain Rhonda Abston;	)	
Lieutenant Robinson; Lieutenant Root;	)	
Sergeant Lawless; Sergeant Raglame; and	)	
Sergeant Eich,	)	
	)	
Defendants.	)	
	)	

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 this action is **DISMISSED** with prejudice for failure to prosecute.

AND IT IS SO ORDERED.

David C. Norton

United States District Judge

November 21, 2013 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.