

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

Matthew Major,)	Civil Action No. 5:13-457-MGL
)	
Plaintiff,)	
)	
v.)	
)	<u>OPINION AND ORDER</u>
John Pate, Thomas E. Byrne, and Arthur Jordan,)	
)	
Defendants.)	
_____)	
)	

Plaintiff Matthew Major ("Plaintiff"), proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983 against Defendants alleging violations of his constitutional rights. (ECF No. 1).

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Kaymani D. West for pretrial handling. On November 13, 2013, Magistrate Judge West entered a Report and Recommendation ("Report") recommending that Defendants' Motion for Summary Judgment, (ECF No. 34), be granted and that this action be dismissed *with prejudice* for lack of prosecution and for failure to comply with Court orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (ECF No. 45). Objections to the Report were due by December 2, 2013. Plaintiff has filed no objections. This Court therefore applies the following standard.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The Court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). 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).

Based upon the foregoing, and after careful review of the record, the applicable law, and Magistrate Judge West's Report, the Court hereby **ACCEPTS** the Report. (ECF No. 45). The Defendants' Motion for Summary Judgement is **GRANTED**, (ECF. No. 34), and the within action is hereby **DISMISSED** *with prejudice* pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

December 6, 2013
Spartanburg, South Carolina