

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

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William McDowell,)
)
Petitioner,)
)
v.)
)
Darlene Drew, Warden, FCI)
Bennettsville,)
)
Respondent.)
_____)

Civil Action No. 5:13-709-SB

ORDER

This matter is before the Court upon the Magistrate Judge's report and recommendation ("R&R"), filed on June 25, 2013, wherein the Magistrate Judge recommended that the Court deny the Petitioner's motion for default judgment against the Respondent. In the R&R, the Magistrate Judge found that the Respondent's failure to timely respond was inadvertent and not willful and that the Respondent acted quickly and diligently upon learning of a missed deadline. The Magistrate Judge further noted that the Petitioner had not been prejudiced and that the Court should proceed to consider the Petitioner's habeas corpus petition on the merits.

Attached the R&R was a notice advising the Petitioner of his right to file written, specific objections to the R&R within fourteen days of receiving a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the R&R to which

specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that “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.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the Court hereby adopts the R&R (Entry 18), and it is

ORDERED that the Petitioner’s motion for default judgment (Entry 11) is denied.

IT IS SO ORDERED.


Sol Blatt, Jr.
Senior United States District Judge

July 18, 2013
Charleston, South Carolina

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