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



Christopher West #183479,

Plaintiff,

v.

Director William R. Byars, Jr.; Warden Cecilia Reynolds; Associate Warden Jerry Washington; Major Darren Seward; Captain Daniel Dubose; Lieutenant Claude Powell; Sergeant Kristopher Sweet; Corporal Jeremy Tarlton; Officer Lawrence Taylor; Nurse Luanne Mungo; in their individual and official capacities as employees of the State of South Carolina, Kershaw State Prison,

Defendants.

Civil Action No. 5:13-981-SB

**ORDER**

This matter is before the Court upon the Magistrate Judge's report and recommendation ("R&R"), which was made in accordance with 28 U.S.C. § 636(b)(1)(A) and (B) and the Local Civil Rules for this District. In the R&R, which was filed on August 27, 2013, the Magistrate Judge recommends that the Court deny the Plaintiff's motion for a temporary restraining order. Stated simply, the Magistrate Judge determined that the Plaintiff had failed to establish that he is likely to succeed on the merits; that he is likely to suffer irreparable harm absent preliminary relief; that the balance of equities tips in his favor; or that an injunction is in the public interest. See Winter v. Natural Res. Def. Council, 555 U.S. 7, 20 (2008). Attached to (Stayo) the R&R was a notice advising the parties of the right to file written, specific objections to the R&R within fourteen days of receiving a copy. To date, no objections have been filed.

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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 50) as the Order of the Court and denies the Plaintiff's motion for a temporary restraining order (Entry 31).

**AND IT IS SO ORDERED.**

Sol Blatt, Jr.
Senior United States District Judge

September 18, 2013
Charleston, South Carolina