

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

Shakur A. Muhaimin,

Plaintiff,

vs.

Dr. T. Jacobs, and Dr. Barry Wineglass

Defendants.

C/A No. 5:15-4972-JFA-KDW

ORDER

Plaintiff Shakur A. Muhaimin (hereinafter “Plaintiff”), a self-represented litigant, filed this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983, against two prison doctors. ECF No. 1. This matter comes before the Court on Defendants’ Motion to Dismiss pursuant to Fed. R. Civ. P. Rules 12(b)(6). ECF No. 15. Plaintiff failed to respond to Defendant’s motion.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she recommends that this Court grant the aforementioned motion. ECF No. 22. The Report and Recommendation sets forth the relevant facts and standards of law in this matter, and the Court incorporates such without a recitation.

The non-moving party was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on April 26, 2016. However, no objections were filed. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this 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 of those portions of the Report to which specific objection is 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).

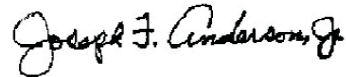
In her Report and Recommendation, the Magistrate Judge opined Plaintiff failed to prosecute the litigation and failed to state a plausible claim. First, Plaintiff failed to respond to Defendants' motion to dismiss. Secondly, Plaintiff failed to allege facts sufficient to support a plausible claim for medical indifference. Specifically, Plaintiff failed to make any allegations to support a finding that demonstrated either the subjective or objective prongs of the test laid out by the United States Supreme Court in *Farmer v. Brennan*, 511 U.S. 825, 832 (1994).

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference in its entirety.

Accordingly, this Court grants Defendant's Motion to Dismiss. (ECF No. 15) and hereby **DISMISSES** this case with prejudice.

It is so ordered.

August 11, 2016
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge