

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

Shaheen Cabbagestalk,)
)
Plaintiff,)
)
v.)
)
State of South Carolina and South Carolina)
Department of Corrections,)
)
Defendants.)
_____)

Civil Action No. 5:16-3314-RMG

ORDER


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This matter is before the Court upon the Magistrate Judge’s recommendation that Plaintiff’s motion for leave to proceed *in forma pauperis* be denied and that the action be dismissed pursuant to 28 U.S.C. § 1915(g) if Plaintiff failed to pay the filing fee within the time permitted. (Dkt. No. 8). Plaintiff filed no response to the Report and Recommendation (R & R), but he did file a “Motion for Change of Venue to US Bankruptcy Court.” (Dkt. No. 10).

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). Where the plaintiff fails to file any specific objections, the Magistrate Judge’s conclusions are reviewed only for clear error, *see Diamond v. Colonial Life & Accident Insurance Co.*, 416 F.3d 310, 315 (4th Cir. 2005), and this Court is not required to give any explanation for adopting the recommendation of the Magistrate Judge, *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983).

The Court, having reviewed the complaint and the R & R, finds no clear error and agrees with and adopts the R & R as the order of the Court. Defendant’s Motion for Change of Venue to US Bankruptcy Court (Dkt. No. 10), is denied as moot.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

December 27, 2016
Charleston, South Carolina