

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

Atticus McNeill Barber,)
)
Plaintiff,)
)
v.)
)
Mr. Phillips Webster;)
Mr. P. Dowling;)
Editor in Chief, and)
Reporting News Anchor,)
)
Defendants.)
_____)

C/A No. 5:17-cv-02482-TMC

ORDER

Plaintiff, a state detainee proceeding pro se and *in forma pauperis*, brought this action seeking relieve pursuant to Title 42, United States Code Section 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge’s Report and Recommendation (“Report”), that this case be dismissed with prejudice because (1) Title 42, United States Code Section 1983 cannot be used as an avenue for bringing defamation claims; (2) no plausible constitutional violation is asserted as to any defendant; and (3) the deficiencies in the Plaintiff’s complaint cannot be cured by amendment. (ECF No. 11). Plaintiff was advised of his right to file objections to the Report and his right to bring the case to proper form by the objection deadline. (ECF No. 11-1). However, Plaintiff did not file any objections and did not bring the case into proper form, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the

Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “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) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a careful and thorough review of the record under the appropriate standards, as set forth above, the court adopts the Report (ECF No. 11), which is incorporated herein by reference. Accordingly, this case is **DISMISSED with prejudice**.

IT IS SO ORDERED.

/s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
October 24, 2017

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.