

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

Darrell J. Walker,)	
)	C/A No. 5:17-3201-TMC
Petitioner,)	
)	
vs.)	ORDER
)	
Sheriff Al Cannon,)	
)	
Respondent.)	
_____)	

Petitioner Darrell J. Walker, a pre-trial detainee proceeding pro se, is seeking habeas corpus relief pursuant to 28 U.S.C. § 2241.¹ Before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending that Petitioner’s petition dismissed for lack of subject matter jurisdiction and without requiring Respondent to file a return. (ECF No. 12). Petitioner was advised of his right to file objections to the Report. (ECF No. 12 at 6). However, Petitioner has not filed objections, and the time to do so has now run.

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

¹In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02, DSC, this matter was initially referred to a magistrate judge.

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).

Petitioner is detained at the Charleston County Detention Center awaiting trial on state criminal charges. He filed a one-page habeas petition seeking a personal recognizance bond or a bond reduction. (ECF No. 1). He filed an amendment to his Petition, indicating the he has been prevented from seeking habeas relief before the South Carolina Supreme Court because he is indigent and there is a \$150.00 filing fee. (ECF No. 6). He asks this court to use its “mandate power” to order the State of South Carolina to hold a bond hearing. *Id.* at 1. The magistrate judge determined that this court cannot grant the relief Petitioner requests, and recommended that the court summarily dismiss the petition. (Report at 4-5). Petitioner has not filed any objections. The court has reviewed the Report and finds no clear error.

Accordingly, based on the foregoing, the court adopts the Report and Petitioner’s petition is **DISMISSED** without prejudice.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

January 23, 2018
Anderson, South Carolina

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.