

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

|                             |   |   |
|-----------------------------|---|---|
| Shawn William Sharpe,       | ) | Civil Action No.: 5:18-cv-00749-RBH-KDW |
|                             | ) |   |
| Plaintiff,                  | ) |   |
|                             | ) |   |
| v.                          | ) | <b>ORDER</b>                            |
|                             | ) |   |
| Dennis Bush, Alvin Grabber, | ) |   |
| Lisa Young, and Fuller,     | ) |   |
|                             | ) |   |
| Defendants.                 | ) |   |
|                             | ) |   |

This matter is before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Kaymani D. West, who recommends partially dismissing with prejudice Plaintiff’s pro se Second Amended Complaint.<sup>1</sup> See ECF No. 43.

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 this Court. See *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R 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 with instructions. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Plaintiff has not filed objections to the R & R, and the time for doing so has expired.<sup>2</sup> In the

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<sup>1</sup> The Magistrate Judge issued the R & R in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02 (D.S.C.), and she reviewed Plaintiff’s complaint pursuant to the screening provisions of 28 U.S.C. §§ 1915(e)(2) and 1915A. The Court is mindful of its duty to liberally construe the pleadings of pro se litigants. See *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). But see *Beaudett v. City of Hampton*, 775 F.2d 1274, 1278 (4th Cir. 1985) (“Principles requiring generous construction of pro se complaints are not, however, without limits. *Gordon* directs district courts to construe pro se complaints liberally. It does not require those courts to conjure up questions never squarely presented to them.”).

<sup>2</sup> Plaintiff’s objections were due by August 30, 2018. See ECF Nos. 43 & 44.

absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. 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 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)).

After a thorough review of the record in this case, the Court finds no clear error and therefore adopts the Magistrate Judge's R & R [ECF No. 43]. Accordingly, the Court **PARTIALLY DISMISSES** Plaintiff's Second Amended Complaint *with prejudice and without issuance and service of process* as to his due process and Fourth Amendment claims.<sup>3</sup>

**IT IS SO ORDERED.**

Florence, South Carolina  
September 21, 2018

s/ R. Bryan Harwell  
R. Bryan Harwell  
United States District Judge

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<sup>3</sup> The Magistrate Judge authorized service on Defendants as to Plaintiff's First Amendment access-to-court claim. *See* R & R at p. 4; ECF Nos. 41 & 42.