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

Richard Deas,

Plaintiff,

v.

Wayne McCabe; Joseph Canning; Associate Warden Ford; Major Smith; Benjamin Davis; Lieutenant Danley; Sergeant Blackwell; Head Nurse Robins; and Christina Long,

Defendants.

Case No.: 5:19-cv-00830-SAL

**ORDER AND OPINION**

This matter is before the Court on Defendants' unopposed Motion for Summary Judgment, filed on October 23, 2019. ECF No. 89. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02, the Magistrate Judge issued a Report and Recommendation ("Report") on January 14, 2020. ECF No. 97. In the Report, the Magistrate Judge recommended that Defendants' motion be granted because Plaintiff has failed to prosecute this case and otherwise failed to comply with the Court's orders. *See* Fed. R. Civ. P. 41(b). Specifically, on December 19, 2019, Plaintiff was directed to advise the Court whether he wished to continue with this case and to file a response to Defendant's motion. ECF No. 93. To date, Plaintiff has not complied with either directive. No party filed an objection to the Report, and the time to do so has lapsed.

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 only those portions of the Report that have been specifically objected to, and the Court may accept, reject, or modify the Report, in whole or in part. 28

U.S.C. § 636(b)(1). In the absence of objections, the Court is not required to provide an explanation for adopting the Report and 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) (citing Fed. R. Civ. P. 72 advisory committee's note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the Court finds no clear error, adopts the Report, and incorporates the Report by reference herein. Accordingly, Defendant's Motion for Summary Judgment, ECF No. 89, is GRANTED and this case is DISMISSED with prejudice.

IT IS SO ORDERED.

/s/ Sherri A. Lydon
Sherri A. Lydon
United States District Judge

February 24, 2020
Columbia, South Carolina