

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

Bennie Ramone Jackson,)
)
Plaintiff,)
)
vs.)
)
South Carolina Department of Corrections;)
Bryan P Stirling, Director; Terrie Wallace,)
Warden; and Henry McMaster, Governor,)
)
Defendants.)
_____)

Case No.: 5:20-cv-3045-JD-KDW

OPINION & ORDER

This matter is before the Court for review of the Report and Recommendation of United States Magistrate Kaymani D. West (“Report and Recommendation”), made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 of the District of South Carolina.¹ Bennie Ramone Jackson (“Jackson” or “Plaintiff”), proceeding *pro se* and *in forma pauperis*, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. (DE 1.)

On May 21, 2021, and June 11, 2021, Henry McMaster, Governor; South Carolina Department of Corrections; Bryan P Stirling, Director; and Terrie Wallace, Warden (collectively “Defendants”) filed Motions for Summary Judgment alleging *inter alia* that Jackson failed to exhaust administrative remedies. (DE 59, 65.) The Magistrate issued a Roseboro Order on June 14, 2021, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir.1975), advising the Plaintiff of

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District 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 Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

the motions and the possible consequences if he failed to respond adequately. (DE 66.) Plaintiff did not file a response to either motion.

Further, on July 26, 2021, the Magistrate issued an Order directing Plaintiff to advise the Court whether he wishes to continue with this case and to file a response to Defendants' Motions for Summary Judgment by August 23, 2021. (DE 69.) Plaintiff did not file a response to that order. The Report and Recommendation was issued on August 30, 2021, recommending the case be dismissed with prejudice. (DE 72.)

Plaintiff filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court 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).

Upon review of the Report and Recommendation and the record in this case, the Court adopts the Report and Recommendation and incorporates it herein by reference.

It is, therefore, **ORDERED** that this action be dismissed with prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph Dawson, III". The signature is written in a cursive style with a large initial "J" and "D".

Joseph Dawson, III
United States District Judge

Greenville, South Carolina
November 1, 2021

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.