

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

John Oscar Kalu,)	Civil Action No. 5:22-cv-1184-SAL
)	
Petitioner,)	
)	Order
v.)	
)	
Warden R. S. Dunbar,)	
)	
Respondent.)	
)	

This matter is before the court for review of the December 2, 2022 Report and Recommendation (Report) of United States Magistrate Judge Kamani D. West, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule(B)(2)(b) (D.S.C.) [ECF No. 35.] In her Report, the Magistrate Judge recommends this court grant Respondent’s Motion for Summary Judgment, ECF No. 26, deny the petition of writ of habeas corpus, and dismiss the petition without prejudice. [ECF No. 35 at 6.] Attached to the Report was a Notice of Right to File Objection, which informed the parties “[s]pecific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation.” Objections were due December 16, 2022. As of the date of this Order, an additional thirty-one days have passed since the deadline for filing objections. No party filed objections to the Report, and the time to do so has long since passed.

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, ECF No. 35, and incorporates the Report by reference herein. Accordingly, Defendants’ motion for summary judgment, ECF No. 26, is **GRANTED**, the petition for writ of habeas corpus is **DENIED**, and the petition is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

January 18, 2023
Florence, South Carolina

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