

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

John Ray Dowdle,)	
)	C/A No. 6:10-0159-MBS
Plaintiff,)	C/A No. 6:10-0390-MBS
)	
vs.)	
)	ORDER
Sheriff Bill Blanton, et al.,)	
)	
Defendants.)	
_____)	

At the time of the underlying events, Plaintiff John Ray Dowdle was a pretrial detainee at the Cherokee County Detention Center in Gaffney, South Carolina. Plaintiff, proceeding pro se, filed the captioned complaints pursuant to 42 U.S.C. § 1983, alleging that his constitutional rights had been violated in various respects. The cases were consolidated on June 9, 2010.

In accordance with Local Civil Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Kevin F. McDonald for pretrial handling. On July 8, 2010, Defendants filed a motion for summary judgment. By order filed July 9, 2010, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Plaintiff was advised of the summary judgment procedure and the possible consequences if he failed to respond adequately. On September 2, 2010, the Magistrate Judge issued an order granting Plaintiff until September 22, 2010 to file his response to Defendants’ motions for summary judgment. Plaintiff filed no response to the Magistrate Judge’s order. Accordingly, on September 23, 2010, the Magistrate Judge issued a Report of Magistrate Judge in which he recommended that the within actions be dismissed for lack of prosecution pursuant to Fed. R. Civ. P. 41(b). Plaintiff filed no objections to the Report of Magistrate Judge.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report of Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). 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 recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and adopts the Report of Magistrate Judge. Plaintiff’s complaints are dismissed with prejudice for lack of prosecution pursuant to Rule 41(b).

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

October 20, 2010.

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.