

that, to the extent Plaintiff seeks monetary damages for a due process violation with respect to any disciplinary action, such recovery is barred because Plaintiff failed to demonstrate (1) that Defendants Parker and Cartledge deprived him of a protectable liberty interest, and (2) that his disciplinary conviction had been overturned, as required by Heck Humphrey, 512 U.S. 477, 487 (1994). Accordingly, the Magistrate Judge recommended that Plaintiff's complaint be dismissed as to Defendants Parker and Cartledge. Plaintiff filed no objections to the Report and Recommendation.

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 may accept, reject, or modify, in whole or in part, the Report and Recommendation 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 thoroughly reviewed the record. The court concurs with the Magistrate Judge's recommendations and incorporates the Report and Recommendation herein. Defendants Parker and Cartledge are summarily dismissed without prejudice. The matter is recommitted to the Magistrate Judge for additional pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

November 15, 2011.