

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

Stephen A. Beckham,)	Civil Action No.: 6:12-119-MGL
)	
)	
Plaintiff,)	
)	
vs.)	ORDER AND OPINION
)	
William Byars, et al.,)	
)	
Defendants.)	
_____)	

Plaintiff Stephen A. Beckham is an inmate in custody at McCormick Correctional Institution in McCormick, South Carolina. On January 13, 2012, Plaintiff proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C., this matter was referred to United States Magistrate Judge Kevin F. McDonald for pretrial handling.

On September 6, 2012, Plaintiff filed a “Withdrawal of Complaint” indicating that he intended to seek legal counsel. (ECF No. 69.) The Magistrate Judge construed Plaintiff’s pleading as a motion for voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a). The Defendants did not file a response to the motion. Thus, Magistrate Judge McDonald recommended that Plaintiff’s motion be granted and this action be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a). (ECF No. 71.)

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. §

636(b)(1). The court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made. Neither party filed objections to the Report and Recommendation.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is DISMISSED without prejudice.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

Spartanburg, South Carolina
October 30, 2012