UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Lamont Cutner, Plaintiff, v. Ofc. Michael Marshal, Ofc. K. Harrington, and Wilson Simmons, Defendants.	C/A No.: 6:12-cv-02544-GRA **ORDER** (Written Opinion)

This matter is before the Court for review of United States Magistrate Judge Kevin McDonald's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(d) of the District of South Carolina, and filed on February 13, 2013. ECF No. 48. Plaintiff Lamont Cutner ("Plaintiff"), a prisoner currently incarcerated at Lee County Correctional Institution in Bishopville, South Carolina, brought this claim pursuant to 42 U.S.C. § 1983. ECF No. 1. Plaintiff filed a Motion for Default Judgment on or around January 14, 2013, and the Magistrate Judge recommends that Plaintiff's motion be denied. ECF Nos. 39 & 48. The Magistrate Judge further recommends that Defendant's Motion for Extension of Time to File Responsive Pleadings be granted.

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. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by

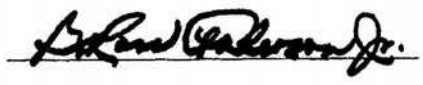
the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id*. "The failure to file objections to the report and recommendation waives any further right to appeal." *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987); *see Carter v. Pritchard*, 34 F. App'x 108, 108 (4th Cir. 2002) (per curiam). Furthermore, in the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). In this case, objections to the Report and Recommendation were due on March 4, 2013. Neither Plaintiff nor Defendant has filed objections, and the time to object has passed.

After a review of the record, this Court finds that the Magistrate Judge's Report and Recommendation accurately summarizes the case and the applicable law. Accordingly, for the reasons articulated by the Magistrate Judge, the Report and Recommendation is accepted and adopted in its entirety.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Default Judgment is DENIED.

IT IS FURTHER ORDERED that Defendant's Motion for Extension of Time to File Responsive Pleadings is GRANTED. Defendants have until March 25, 2013 to file their answer or otherwise respond to the Complaint.

IT IS SO ORDERED.



G. Ross Anderson, Jr.
Senior United States District Judge

March 8, 2013
Anderson, South Carolina