

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

Quintin M. Littlejohn,)
Plaintiff,) Civil Action No. 6:13-cv-00369-JMC
v.)
United States of America,)
with all agents in active concert both)
individually and in their official capacity,)
Defendant.)

)

ORDER

This matter is before the court for review of the Magistrate Judge's Report and Recommendation ("Report"), [Dkt. No. 9], filed on February 13, 2013, recommending that Plaintiff's Complaint [Dkt. No. 1] in the above-captioned case be summarily dismissed *without* prejudice and *without* service of process. Plaintiff brought this action seeking relief pursuant to Title 42 U.S.C. §1983. The Report sets forth in detail the relevant facts and legal standards on this matter which the court incorporates herein without a recitation.

The Magistrate Judge's Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. 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 is charged with making a *de novo* determination of those portions of the Report to which specific objections are made, and the court may accept, reject, or modify, in whole or in

part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Plaintiff was advised of his right to file objections to the Report and Recommendation [Dkt. No. 9 at 6]. Plaintiff filed timely objections to the Report and Recommendation. [Dkt. No. 11].

Objections to the Report must be specific. Failure to file specific written objections to the Report and Recommendation results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984). In the absence of specific objections to the Magistrate Judge's Report and Recommendation, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Therefore, after a thorough review of the Magistrate Judge's Report, the record in this case, and Plaintiff's objections to the Report, the court finds that Plaintiff's objections are non-specific, unrelated to the dispositive portions of the Magistrate Judge's Report, or merely restate his claims. Accordingly, this court **ADOPTS** the Magistrate Judge's Report and Recommendation [Dkt. No. 9]. It is therefore **ORDERED** that Plaintiff's Complaint [Dkt. No. 1] in the above-captioned case is **SUMMARILY DISMISSED** *without* prejudice and without service of process.

IT IS SO ORDERED.



United States District Judge

April 26, 2013
Greenville, South Carolina