

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

Marcus A. Woods, # 284415;)
Bernard McFadden, # 199135;)
Terrell Jackson, # 286790;)
Tracey F. Carter, # 247387;)
Orlander Wheeler, # 273024;)
Cleveland Lithjohn, # 242403;)
Malvin Marshall, # 305077;)
Thomas Araheim, # 340913;)
Alvin Johnson, # 072011;)
Shawn Patterson, # 249829;)
Demetrise Thomas, # 312331;)
Curtis Richardson, # 269166;)
James Morris, # 327611;)
Eltajaris Carew, # 264671;)
LeVardis Polk, # 329896;)
Roy Blackwell, # 250427;)
Joshua Cooper, # 314500;)
David McIlwain, # 243585,)

Civil Action No.: 6:13-cv-01173-JMC

ORDER

Plaintiffs,)

v.)

Marcia Fuller, SCDC Dietician;)
Mrs. Ball, First Name Unknown,)
Kershaw Cafeteria Supervisor;)
Michael L. Fair, Legislative Audit Counsel;)
SC District #6, Greenville County,)
State Senate; Boyd H. Parr,)
Director of Poultry Products and Inspection,)

Defendants.)

This matter is before the court for review of the Magistrate Judge's Report and Recommendation (“Report”) [Dkt. No. 11], filed on May 20, 2013, recommending that the seventeen (17) Co-Plaintiffs be dismissed without prejudice from this case and that Marcus A. Woods would remain the sole Plaintiff in this case. Plaintiffs 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 and Recommendation 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 Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination." *Wallace v. Hous. Auth.*, 791 F. Supp. 137, 138 (D.S.C. 1992) (citing *Matthews v. Weber*, 423 U.S. 261, 271 (1976)). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation 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).

Plaintiffs were advised of their right to file objections to the Report [Dkt. No. 11 at 5]. However, Plaintiffs filed no objections to the Report.

In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "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) (*quoting* Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report 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).

Therefore, after a thorough and careful review of the Report, and the record in this case, the court finds the Report provides an accurate summary of the facts and law in the instant case and the record in this case, the court **ACCEPTS** the Report and Recommendation [Dkt. No. 11]. For the reasons articulated by the Magistrate Judge, it is therefore **ORDERED** that the seventeen (17) Co-Plaintiffs are **DISMISSED** without prejudice from this case and that Marcus A. Woods remain the sole Plaintiff in this case.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

June 14, 2013
Greenville, South Carolina