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

Samuel Shorter, III, Plaintiff, vs. Kershaw Correctional Institution, Officer Russell, Michelle Ussery, South Carolina Department of Corrections, Defendants.	)	Civil Action No. 6:14-1843-TMC-KFM **ORDER**

Plaintiff, a state prisoner proceeding pro se, brought this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., all pretrial proceedings in this matter were referred to a magistrate judge. This matter is now before the court on the magistrate judge's Report and Recommendation ("Report"), recommending that the court dismiss the complaint, without prejudice and without service of process, as to Kershaw Correctional Institution ("Kershaw") and South Carolina Department of Corrections ("SCDC"). (ECF No. 16.) In lieu of filing objections to the Report, Plaintiff filed a document he titled "Petition to Amend the Partys," which essentially stated his agreement with the Report's recommendation. (ECF No. 20.) Accordingly, the court construes Plaintiff's petition as a reply in support of the Report and has docketed it as such.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *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).

Accordingly, after a thorough review of the record, the court adopts the Report (ECF No. 16) and incorporates it herein. Therefore, Plaintiff's complaint is DISMISSED at to Kershaw and SCDC without prejudice and without service of process.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

June 26, 2014
Anderson, South Carolina