

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

Rahmad I. Norman,)
)
Plaintiff,)
)
v.)
)
Greenville County Sheriff's Office, A.J.)
Waterlander, J.T. Martin, Richard Roe,)
Officer Justin Burdine, Officer Drew)
Herring, and Officer Kelly Patrick,)
)
Defendants.)

Civil Action No. 6:17-cv-00364-TMC

ORDER

Plaintiff, proceeding pro se and *in forma pauperis*, brought this action pursuant 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. The Plaintiff filed his Complaint on February 6, 2017. (ECF No. 1). On June 14, 2017, Plaintiff filed a Motion to Amend his Complaint¹ (ECF No. 25), which was granted on June 16, 2017, (ECF No. 26). Defendants answered the Complaint. (ECF Nos. 30, 39). On December 7, 2017, Defendants filed a Motion for Summary Judgment. (ECF No. 43). The magistrate judge issued an Order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the potential consequences that he could face if he failed to adequately respond to Defendant's motion. (ECF No. 45). Despite this admonition, Plaintiff did not respond to the motion.

Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending either that the court dismiss the case for lack of prosecution or that the court grant Defendants' Motion for Summary Judgment. (ECF No. 48). Plaintiff was advised of his

¹ Plaintiff's original Complaint included a John Doe and Jane Doe as defendants. Plaintiff amended his Complaint after discovering the identities of the unidentified defendants. (ECF No. 26).

right to file objections to the Report. (ECF No. 48 at 7). However, Plaintiff has filed no objections, and the time to do so has now run. Notably, Plaintiff's last communication with this court about this case was on August 10, 2017, when he returned the Executed Summons. (ECF No. 38). Since that time, Plaintiff has had no contact with the court about this case despite several warnings that failure to respond to the motions and Report may be detrimental to his claims. (ECF Nos. 45, 48).

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 & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 Advisory Committee's note).

After a careful and thorough review of the record under the appropriate standards, as set forth above, the court finds that Plaintiff's case is subject to dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b).² Accordingly, the court adopts the Report (ECF No. 48) in part, and incorporates it herein to the extent it is consistent with this opinion. Therefore, this case is **DISMISSED without prejudice**.

Furthermore, the Defendant's Motion for Summary Judgment (ECF No. 43) is **DENIED as moot**.

²

Plaintiff should be fully aware of his responsibility to prosecute his case because he has had at least four other cases before this court that have been dismissed for failure to prosecute. *See Norman v. Burns*, No. 9:17-cv-01552-TMC (D.S.C. Oct. 4, 2017); *Norman v. Osbourne et al.*, 8:13-cv-01242-TMC (D.S.C. Jan. 7, 2014); *Norman v. Price*, 8:12-cv-0323-TMC (D.S.C. Dec. 4, 2013); *Norman v. Brooks et al.*, 8:12-cv-02862-TMC (D.S.C. Nov. 20, 2013).

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
February 12, 2018

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.