

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

David Mussehl,)	C/A No.: 6:17-3309-JFA
)	
Petitioner,)	
)	
v.)	
)	ORDER
State of South Carolina,)	
State of California,)	
)	
Respondents.)	
_____)	

The Petitioner, David Mussehl (“Petitioner”), represented by counsel, moves this Court to issue a temporary restraining order (“TRO”). (ECF No. 2). Petitioner is challenging a purported extradition order and moves this Court to “issue a TRO staying/barring extradition and/or transport until such time as an emergency hearing may be [held] in this matter.” (ECF No. 2 p. 1). Pursuant to 28 U.S.C. §636(b)(1)(A) and Local Civil Rule 73.02(B)(2)(c), (D.S.C.), this case was referred to a Magistrate Judge for review.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation (“Report”) and opines that the Petitioner’s Motion for a TRO should be denied. (ECF No. 5 p. 4). The Report sets forth in detail the relevant facts and standards of law on this matter, and the Court incorporates such without a recitation and without a hearing.

The Petitioner was advised of his right to file objections to the Report, which was entered

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(c), (D.S.C.). 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 the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1).

on the docket on December 8, 2017. (ECF No. 5). That deadline has now expired, and the Petitioner failed to file an objection to the Report. In the absence of specific objections to the Magistrate Judge's Report, 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).

After carefully reviewing the applicable laws, the record in this case, as well as the Report and Recommendation, the Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the Report and Recommendation (ECF No. 5). Therefore, Petitioner's Motion for TRO is hereby **DENIED**.

IT IS SO ORDERED.

January 3, 2018
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge