



The Magistrate Judge makes only a recommendation to the 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 only 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 recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “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’” (quoting Fed. R. Civ. P. 72 advisory committee’s note)).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the Court agrees that the petition should be dismissed without prejudice and without issuance and service of process.

Therefore, it is ordered:

(1) that the Petition be dismissed *without prejudice* and without issuance and service of process;

(2) that Petitioner is sanctioned \$400.00 payable to the Clerk of Court. The Petitioner is directed to mail the check to 300 E. Washington Street, Greenville, SC 29601;

(3) that if Petitioner tries to file another action prior to paying the sanction, that the Magistrate Judge may (a) instruct Petitioner to pay the sanctions (and if the sanctions are

not paid, dismiss the action without prejudice and without issuance and service of process)  
or (b) certify that the action is not frivolous.

**IT IS SO ORDERED.**

/s/Bruce H. Hendricks  
United States District Judge

November 17, 2020  
Greenville, South Carolina

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified that any right to appeal this Order is governed by  
Rules 3 and 4 of the Federal Rules of Appellate Procedure.