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

Dominic Javon Gilbert,	Case No. 6:23-cv-05256-JDA-KFM
Plaintiff,))
V.	OPINION AND ORDER
Dana Aiken, Mary Albergottie-Sams; Medicko Correctional Healthcare,)))
Defendants.))

This matter is before the Court on a Complaint filed by Plaintiff Dominic Javon Gilbert. [Doc. 1.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings.

On December 19, 2023, the Magistrate Judge issued a Report and Recommendation ("Report") recommending that Defendant Medicko Correctional Healthcare ("Medicko") be dismissed from the action. [Doc. 13.] The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do. Plaintiff has filed no objections and the time to do so has lapsed.

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. *See Mathews v. Weber*, 423 U.S. 261 (1976). The

Court is charged with making a de novo determination of any portion of the Report of the

Magistrate Judge to which a specific objection is made. The Court may accept, reject, or

modify, in whole or in part, the recommendation made by the Magistrate Judge or

recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b).

The Court will review the Report only for clear error in the absence of an objection. 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." (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report

of the Magistrate Judge for clear error. Having done so, the Court accepts the Report

and Recommendation of the Magistrate Judge and incorporates it by reference.

Accordingly, Defendant Medicko Correctional Healthcare is DISMISSED with prejudice

and without issuance and service of process.

IT IS SO ORDERED.

<u>s/Jacquelyn D. Austin</u> United States District Judge

Greenville, South Carolina February 29, 2024

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