## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA SPARTANBURG DIVISION

Robert Craig Allen,	) C.A. No. 7:17-1964-HMH-BM
Plaintiff,	) C.A. No. 7.17-1904-HMH-BM
vs.	OPINION & ORDER
Founders Federal Credit Union,	)
Defendant.	)

This matter is before the court with the Report and Recommendation of United States

Magistrate Judge Bristow Marchant, made in accordance with 28 U.S.C. § 636(b)(1) and Local

Civil Rule 73.02 of the District of South Carolina. Robert Craig Allen ("Allen"), proceeding

pro se, alleges a violation of 42 U.S.C. § 1983 and/or Bivens v. Six Unknown Agents of Federal

Bureau of Narcotics, 403 U.S. 388 (1971). In his Report and Recommendation, Magistrate Judge

Marchant recommends granting the Defendant's motion to dismiss the Bivens and/or § 1983

claims and dismissing without prejudice Allen's remaining state law claims. (Report & Recommendation 8, ECF No. 37.)

Allen filed objections to the Report and Recommendation. Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir.

<sup>&</sup>lt;sup>1</sup> The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (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. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

1984). In the absence of specific objections to the Report and Recommendation of the magistrate

judge, 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).

Upon review, the court finds that Allen's objections are non-specific, unrelated to the

dispositive portions of the magistrate judge's Report and Recommendation, or merely restate his

claims. Accordingly, after review, the court finds that Allen's objections are without merit.

Therefore, after a thorough review of the magistrate judge's Report and the record in this case,

the court adopts Magistrate Judge Marchant's Report and Recommendation and incorporates it

herein by reference.

It is therefore

**ORDERED** that the Defendant's motion to dismiss, docket number 20, is granted to the

extent Allen has asserted his claims under Bivens and/or § 1983, and that those claims are

dismissed, with prejudice. It is further

**ORDERED** that Allen's remaining state law causes of action, to the extent

that he has intended to assert any such claims, are dismissed, without prejudice, in order

to allow Allen to pursue these claims in state court, if he so desires.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.

Senior United States District Judge

Greenville, South Carolina February 9, 2018

2

## NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30)
days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate
Procedure.