

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

Jeffery Dale Tolliver,)
)
Plaintiff,)
)
v.)
)
Dept. of Social Services, Child Support)
Enforcement; Civil Division of)
Spartanburg County Sheriff’s Office)
Civil Services; The Family Court of the)
Seventh Judicial Circuit, Judicial Branch;)
Sgt. Duclos,)
)
Defendants.)
_____)

Civil Action No.: 7:17-cv-02505-JMC

ORDER

This matter is before the court upon review of the Magistrate Judge’s Report and Recommendation (“Report”) (ECF No. 8), filed on October 12, 2017, recommending that the Plaintiff Jeffery Tolliver’s (“Plaintiff”) Complaint (ECF No. 1) be dismissed without prejudice and without issuance and service of process.

The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, which has no presumptive weight. The responsibility to make a final determination remains with this 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 to which specific objections are made. Fed. R. Civ. P. 72(b)(2)-(3).

The parties were advised of their right to file objections to the Report. (ECF No. 8 at 10.) Plaintiff filed objections (ECF No. 10-1) and Defendants did not respond.

Plaintiff filed three (3) objections to the Report, but none of them are specific in nature, thus the court must only establish that there has not been a clear error made by the Magistrate Judge in making her recommendation.¹ See *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (“ . . . 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); *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982) (“[c]ourts have also held *de novo* review to be unnecessary in analogous situations when a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations.”).

After a thorough review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law. The court **ACCEPTS** the Magistrate Judge’s Report and Recommendation (ECF No. 8). Plaintiff’s Complaint (ECF No. 1) is **DISMISSED** without prejudice and without issuance and service of process.

IT IS SO ORDERED.



United States District Judge

November 7, 2017

Columbia, South Carolina

¹ Plaintiff’s objections are that (1) he has not yet filed evidence with the court to support his claim against Sergeant Duclos because he requests that the court grant his Motion to Amend (ECF No. 10); (2) his Complaint is not an attempt to amend a prior complaint as stated in the Report; and (3) he objects to the Report “in general.” (ECF No. 10-1.)