IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Brian Allen Grasty, #327890,

Plaintiff,

v.

Ray Nash, Sheriff of Dorchester County,

Defendant.

Civil Action No. 8:08-847-SB

ORDER

This matter is before the Court upon the Plaintiff's pro se complaint, which alleges violations of his constitutional rights pursuant to 42 U.S.C. § 1983. By local rule, the matter was referred to a United States Magistrate Judge for preliminary determinations.

On August 18, 2008, United States Magistrate Judge Bruce H. Hendricks issued a Report and Recommendation ("R&R") analyzing the Plaintiff's complaint and recommending that the Court dismiss the Plaintiff's complaint with prejudice for lack of prosecution and for failure to comply with the Court's orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. On June 12, 2008, the Defendant filed a motion for summary judgment, and on June 13, 2008, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the Magistrate Judge advised the Plaintiff of the summary judgment procedure and the possible consequences of failing to respond adequately to the Defendant's motion.

When the Plaintiff failed to respond to the Defendant's motion, the Magistrate Judge entered a second order, dated July 22, 2008, giving the Plaintiff through August 13, 2008, within which to file a response to the Defendant's motion for summary judgment. The Plaintiff again failed to respond, and therefore, on August 18, 2008, the Magistrate Judge issued an R&R recommending that the Court dismiss the Plaintiff's complaint for failure to prosecute.

Attached to the R&R was a notice advising the Plaintiff of the right to file specific, written objections to the R&R within 10 days of the date of service of the R&R.

On August 22, 2008, the R&R was returned as undeliverable/unclaimed. After a search of the South Carolina Department of Corrections ("SCDC") website, however, the Clerk's Office located the Plaintiff at another facility and mailed another copy of the R&R to the updated address. When this copy was also returned, the Clerk's Office again confirmed the Plaintiff's location via the SCDC website and mailed him another copy. This copy was also returned as undeliverable/unclaimed. At this point, therefore, the Plaintiff has failed to notify the Court of his change of address; failed to file a response to the Defendant's motion for summary judgment; and failed to file objections to the R&R.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the Plaintiff did not file any specific, written objections, there are no portions of the R&R to which the Court must conduct a de novo review. Accordingly, the Court hereby adopts the Magistrate Judge's R&R, and it is

ORDERED that this action is dismissed with prejudice for lack of prosecution and for failure to comply with the Court's orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

The Honorable Sol Blatt, Jr.
Senior United States District Judge

October 14, 2008
Charleston, South Carolina