

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

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William H. Rutland, III,)
)
 Plaintiff,)
)
 v.)
)
 Sargent Rosemary Sanders,)
 BCSO; and Ms. K. Shuler,)
 Records Officer, BCDC,)
)
 Defendants.)
 _____)

Civil Action No. 8:09-1822-SB

ORDER

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

On September 24, 2009, the Defendants filed a motion for summary judgment, and on September 30, 2009, 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. Despite this explanation, the Plaintiff failed to respond to the Defendants' motion. Because the Plaintiff is pro se, the Magistrate Judge filed a second order on November 9, 2009, giving him through December 2, 2009, to file a response to the Defendants' motion. Again, the Plaintiff failed to respond.

Thus, on December 10, 2009, the Magistrate Judge issued a report and recommendation ("R&R") analyzing the Plaintiff's complaint and recommending that the Court dismiss the Plaintiff's complaint without prejudice for failure to prosecute and for

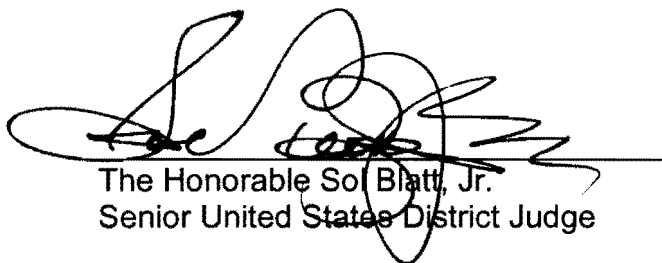
failure to comply with the Court's orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Attached to the R&R was a notice advising the Plaintiff of his right to file specific, written objections to the R&R within ten days of the date of service of the R&R. To date, no objections have been filed.

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. Shriners Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the Plaintiff did not file any specific, written objections, the Court need not conduct a de novo review of any portion of the R&R. Accordingly, the Court hereby adopts the Magistrate Judge's R&R (Entry 19) as the Order of this Court, and it is

ORDERED that the Plaintiff's complaint is dismissed without prejudice for lack of prosecution and for failure to comply with the Court's orders, pursuant to Rule 41 of the Federal Rules of Civil Procedure.

AND IT IS SO ORDERED.

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

January 4, 2010
December 4, 2010
Charleston, South Carolina