

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

Hugo Gonzalez-Martinez,)
Petitioner,) C/A No. 8:11-437-TMC
v.)
Darlene Drew, Warden,)
Respondent.)

)

OPINION and ORDER

Petitioner, a federal prisoner proceeding *pro se*, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. (Dkt. # 1). This matter is before the Court on Respondent's Motion to Dismiss or, in the alternative, Motion for Summary Judgment. (Dkt. # 21). In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(e), D.S.C., all pre-trial proceedings were referred to a Magistrate Judge. On December 16, 2011, Magistrate Judge Jacquelyn D. Austin issued a Report and Recommendation ("Report") recommending that Respondent's Motion for Summary Judgment be granted and the Petition be denied. (Dkt #. 32). The Magistrate Judge provided Petitioner a notice advising him of his right to file objections to the Report. (Dkt. # 32-1). However, Petitioner filed no objections to the Report and Recommendation.

In the absence of objections to the Magistrate Judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "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.'" *Diamond v. Colonial Life & Acc. Ins.*

Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report and Recommendation results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts the Magistrate Judge's Report and Recommendation (Dkt. # 32) and incorporates it herein. It is therefore **ORDERED** that the Respondent's Motion for Summary Judgment (Dkt. # 21) is **GRANTED** and the Petition is **DENIED**.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

January 11, 2012
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.