

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Steven D. Davis,	)	C/A No. 8:11-1367-JFA-JDA
	)	
Plaintiff,	)	
v.	)	ORDER
	)	
Officer A. Williams; Officer Lomax; Danielle Mitchell; and Brenda Pivovarnik,	)	
	)	
Defendants.	)	
	)	

The *pro se* plaintiff brings this action pursuant to 42 U.S.C. § 1983 alleging that while he was incarcerated, the defendants read plaintiff's legal mail in violation of his constitutional rights.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation and opines that the defendants' motion for summary judgment should be granted.<sup>2</sup> The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The Magistrate Judge's Report was issued and mailed on April 6, 2012. The plaintiff did not file objections to the Report. In the absence of specific objections to the Report of

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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (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, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

<sup>2</sup> An order was issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) notifying plaintiff of the summary dismissal procedure and possible consequences if he failed to adequately respond to the motion for summary judgment. Plaintiff did not respond to the motion.

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). Moreover, the envelope containing the copy of the Report was returned by the U.S. Postmaster marked “Returned to Sender.”

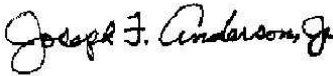
The Magistrate Judge suggests that plaintiff has not established a violation of his constitutional rights and that he has failed to make specific allegations as to any actual injury sustained. The Magistrate Judge also opines that the defendants are entitled to qualified immunity.

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge’s recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference.

Accordingly, the defendants’ motion for summary judgment (ECF No. 29) is granted and this action is dismissed with prejudice.

IT IS SO ORDERED.

May 21, 2012  
Columbia, South Carolina

  
Joseph F. Anderson, Jr.  
United States District Judge