

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Tyrone Sifford, #12712-058,)	
)	C/A No. 8:11-3019-MBS
Plaintiff,)	
)	
vs.)	ORDER
)	
United States of America,)	
)	
Defendant.)	
_____)	

Plaintiff Tyrone Sifford is an inmate in custody of the Federal Bureau of Prisons. Plaintiff currently is housed at FCI-Bennettsville in Bennettsville, South Carolina. On November 8, 2011, Plaintiff, proceeding pro se, filed a complaint alleging that he has been subjected to medical indifference in connection with a torn anterior cruciate ligament (ACL) in one of his knees. Thus, Plaintiff brings this action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971).

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Jacquelyn D. Austin for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. § 1915, 28 U.S.C. § 1915A, and the Prison Litigation Reform Act. On November 15, 2011, the Magistrate Judge filed a Report and Recommendation in which she noted that Plaintiff failed to name as a Defendant any personally responsible federal officer or employee, as mandated by Bivens. The Magistrate Judge further noted that, to the extent Plaintiff seeks to file a complaint against the United States under the Federal Tort Claims Act, there is no evidence that Plaintiff has exhausted the required administrative remedies. Accordingly, the Magistrate Judge recommended that the within complaint be summarily dismissed,

without prejudice. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). 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).

The court has thoroughly reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. The complaint is summarily dismissed, without prejudice.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

December 6, 2011.