

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Robert Lee Dixon,)	C/A No.: 8:12-cv-00486-GRA
)	
Plaintiff,)	
)	
v.)	ORDER
)	(Written Opinion)
Abbeville Housing Authority,)	
)	
Defendant.)	
_____)	

This matter comes before the Court for review of United States Magistrate Judge Kevin F. McDonald’s Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), D.S.C., and filed on December 20, 2012. Plaintiff Robert Lee Dixon (“Plaintiff”) commenced this *pro se* civil action on February 21, 2012. Defendant Abbeville Housing Authority (“Defendant”) moved for summary judgment on October 21, 2012. Magistrate Judge McDonald recommends that this Court dismiss Plaintiff’s Complaint against Defendant pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. No objections have been filed to the Report and Recommendation, and the time to object has passed.¹

Petitioner brings this claim *pro se*. This Court is required to construe *pro se*

¹ Objections to the Report and Recommendation were due by January 7, 2013. The court clerk forwarded a copy of the Report and Recommendation to Petitioner on December 20, 2012, along with a notice that stated:

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. . . . “[I]n 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.’” . . . Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. . . . **Failure to timely file specific objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such a Recommendation.**

Report and Recommendation, ECF No. 34.

pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

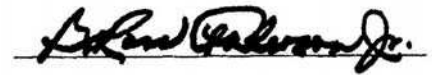
The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983). Furthermore, failure to object waives a petitioner's right to appeal. *Thomas v. Arn*, 474 U.S. 140 (1985).

After a careful review of the record, this Court finds that the Magistrate Judge's Report and Recommendation accurately summarizes the case and applicable law. Accordingly, for the reasons articulated by the Magistrate Judge, the Report and Recommendation is accepted and adopted in its entirety.

IT IS THEREFORE ORDERED that Plaintiff's Complaint is DISMISSED with prejudice for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment is moot.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "G. Ross Anderson, Jr.", written over a horizontal line.

G. Ross Anderson, Jr.
Senior United States District Judge

January 10, 2013
Anderson, South Carolina