

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

Victor Glen Wilkes,)
)
Petitioner,)
)
vs.) Civil Action No. 8:12-3046-TLW-JDA
)
Warden, FCI-Edgefield,)
)
Respondent.)
)
)

ORDER

Petitioner Victor Glen Wilkes, ("Petitioner"), brought this civil action, *pro se*, pursuant to 28 U.S.C. § 2241 on November 1, 2012. (Doc. # 1).

The matter now comes before this Court for review of the Report and Recommendation ("the Report") filed by United States Magistrate Judge Jacqueline D. Austin, to whom this case had previously been assigned. In the Report, the Magistrate Judge recommends that the Petitioner's § 2241 petition be dismissed without prejudice and without requiring Respondent to file a return, pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02 (D.S.C.). (Doc. # 16). Petitioner filed a timely Objection. (Doc. # 18). In conducting its review, the Court therefore applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the Petitioner's Objection. After careful review of the Report and Objection thereto, the Court **ACCEPTS** the Report. (Doc. # 16). Petitioner's § 2241 petition is dismissed without prejudice and without requiring Respondent to file a return.

IT IS SO ORDERED.

s/Terry L. Wooten
TERRY L. WOOTEN
United States District Judge

December 10, 2012
Florence, South Carolina