

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

Rahmad I. Norman a/k/a Rahmad Norman,)	
)	Civil Action No. 8:13-1242-TMC
Plaintiff,)	
)	
vs.)	ORDER
)	
Steave Osbourne, Office Nichols,)	
Nick Futch, John Doe, and Richard Roe,)	
)	
Defendants.)	
)	

Plaintiff, proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending that the action be dismissed for lack of prosecution.¹ (ECF No. 41). Plaintiff was advised of his right to file objections to the Report. (ECF No. 41 at 3). However, Plaintiff has not filed objections and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *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

¹ Originally, the court mailed all documents to Plaintiff’s address on file at Greenwood County Detention Center. These documents began returning to the court as undeliverable and marked “Released” in September 2013. Plaintiff did not update his address with the court as ordered to by ECF No. 8. However, the court noted that Plaintiff had provided a new residential address in other actions. Accordingly, the court re-mailed the Report to that address on December 10, 2013. (ECF No. 44). That document was not returned to the court and the court has not received a response from Plaintiff.

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).

After a thorough review of the record in this case, the court adopts the Report (ECF No. 41) and incorporates it herein. Therefore, this action is **DISMISSED** with prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989). In addition, Defendants’ motion for summary judgment (ECF No. 31) is **TERMINATED** as moot.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

January 7, 2014
Anderson, 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.