

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

Artkyeam S. Moore,)	
)	
Plaintiff,)	
)	
vs.)	C/A No.: 8:13-cv-01540-TLW
)	
Officer Matoniwie and Officer Jackson,)	
)	
Defendants.)	
)	

ORDER

Plaintiff, Artkyeam S. Moore (“Plaintiff”), proceeding *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983 on or about June 7, 2013. (Doc. #1).

This matter now comes before the Court for review of the Report and Recommendation (“the Report”) issued on May 7, 2014 by United States Magistrate Judge Jacquelyn D. Austin, to whom this case was previously assigned pursuant to the provisions of 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). (Doc. #33). In the Report, the Magistrate Judge recommends that this Court grant the Motion to Dismiss filed by the Defendants, Officer Matoniwie and Officer Jackson (collectively “Defendants”), on May 6, 2014 (Doc. #31), deny the Defendants’ Motion for Summary Judgment filed on October 9, 2013 as moot (Doc. #26), and dismiss the above-captioned action pursuant to Federal Rule of Civil Procedure 41(b). The Plaintiff did not file Objections to the Magistrate Judge’s Report.

The Report was mailed to the Plaintiff at the mailing address the Plaintiff provided to the Court. (Doc. #34). On June 4, 2014, that mail was returned as undeliverable and marked “Released.”¹ (Doc. #36). The Plaintiff failed to file objections to the Report recommending

¹ Additionally, the Court issued an Order in accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), on October 10, 2013 (Doc. #27) which advised the Plaintiff of the summary judgment/dismissal procedure and of the possible consequences of failing to adequately respond to the Defendants’ Motion for Summary Judgment. On October 22, 2013, the Roseboro Order was returned as undeliverable and marked “Released.” (Doc. #29). The Plaintiff has made no further contact with the Court with regard to the above-captioned case.

dismissal of the above-captioned case pursuant to Federal Rule 41(b). The deadline for the Plaintiff to file objections to the Report expired on May 27, 2014. (See Doc. #33).

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of 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).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation and all other relevant filings in this matter. After careful consideration, **IT IS ORDERED** that the Report and Recommendation (Doc. #33) be **ACCEPTED**. Accordingly, for the reasons articulated by the Magistrate Judge, **IT IS ORDERED** that the Defendants' Motion to Dismiss (Doc. #31) be **GRANTED** and the Defendants' Motion for Summary Judgment (Doc. #26) be denied as **MOOT**.

The above-captioned case is hereby **DISMISSED** with prejudice for failure to prosecute and for failure to comply with the Court's Orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in Chandler Leasing Corp. v. Lopez, 669 F.2d 919, 920 (4th Cir. 1982). See Link v. Wabash R.R. Co., 370 U.S. 626 (1962).

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

August 1, 2014
Columbia, South Carolina