

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

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2014 MAR 31 P 3: 53

LeAndre Dion Budden,)
)
 Plaintiff,)
)
 v.)
)
 Mr. Newton, et al.,)
)
 Defendants.)
)
 _____)

No. 8:13-cv-2206-RMG

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) of the Magistrate Judge recommending that this action be dismissed with prejudice under Federal Rule of Civil Procedure 41(b). (Dkt. No. 37). As set forth below, the Court agrees with and adopts the R&R as the order of the Court.

Background

Plaintiff, a state prisoner proceeding pro se, brought this action pursuant to 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(e) DSC, this case was assigned to a Magistrate Judge for all pretrial proceedings. On August 29, 2013, the Magistrate Judge issued an order alerting Plaintiff of his duty to keep the Court informed of his current address. (Dkt. No. 9). However, as is evident by the record in this case, Plaintiff has failed to do so. In response, the Magistrate Judge issued an R&R recommending this case be dismissed with prejudice. (Dkt. No. 37). Plaintiff filed no objections to the R&R.

Legal Standard

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making 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 R&R to which specific objection is made. Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). This Court may also “receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

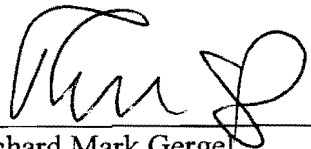
Discussion

After review of the record and the R&R, the Court finds that the Magistrate Judge applied sound legal principles to the facts of this case and therefore agrees with and adopts the R&R as the order of the Court.

Conclusion

As set forth above, the Court agrees with and adopts the R&R as the order of the Court. (Dkt. No. 37). Accordingly, this action is dismissed with prejudice under Federal Rule of Civil Procedure 41(b). Defendants’ motion to dismiss is denied as moot. (Dkt. No. 35).

AND IT IS SO ORDERED.


Richard Mark Gergel
United States District Court Judge

March 31, 2014
Charleston, South Carolina