



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

MITCHELL SUMPTER,
a/k/a Mitchell Lee Truman Sumpter,
a/k/a Mitchell L. Sumpter,
a/k/a Mitchell Lee Sumpter

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vs.

§ CIVIL ACTION NO. 8:14-00106-MGL-JDA

A. LANE CRIB, Sheriff of Georgetown
County; MICHAEL A. SCHWARTZ,
Administrator; and CAPT. WINEGLASS,

Defendants.

ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND DISMISSING THIS ACTION UNDER FEDERAL RULE OF CIVIL PROCEDURE 41(b)

This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter
is before the Court for review of the Report and Recommendation (Report) of the United States
Magistrate Judge suggesting that this action be dismissed under Federal Rule of Civil Procedure
41(b). The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the
District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has
no presumptive weight. The responsibility to make a final determination remains with the Court.
Mathews v. Weber, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo
determination of those portions of the Report to which specific objection is made, and the Court may
accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or
recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on January 8, 2015, but Plaintiff failed to file any objections. “[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.’” *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). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court that this action is **DISMISSED** under Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

Signed this 30th day of January, 2015, in Columbia, South Carolina.

s/ Mary G. Lewis
MARY G. LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.