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

Javon Brown, # 272674, a/k/a Jovan T. Brown, a/k/a Jovon Brown, Petitioner, v. Joseph McFadden, Warden, Respondent.	Civil Action No.: 8:14-cv-1269-RBH **ORDER**

Petitioner, a state prisoner proceeding *pro se*, initiated this suit by filing a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on April 11, 2014. *See* Petition, ECF No. 1. On January 26, 2015, Petitioner filed a motion for default judgment. *See* Pl.'s Mot., ECF No. 32. Defendant timely filed a response in opposition on February 12, 2015. *See* Def.'s Resp., ECF No. 34. The matter is now before the court for review of the Report and Recommendation ("R & R") of United States Magistrate Judge Jacquelyn D. Austin. *See* R & R, ECF No. 39. In her R & R, the Magistrate Judge recommends that the Court deny Petitioner's motion for default judgment. *See id.* at 1–2.

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 this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation 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. *See* 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the Report and Recommendation. 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 recommendations. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct *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'") (quoting Fed. R. Civ. P. 72 advisory committee's note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is **ORDERED** that Petitioner's motion for default judgment is **DENIED**.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
April 3, 2015