

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

Benjamin J. Hunt,)
)
Plaintiff,)
)
v.)
)
Dr. T. Jacobs and Dr. Berry Weissglass,)
)
Defendants.)
_____)

No: 8:15-cv-04480-RMG

ORDER

This matter comes before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge recommending that the Court dismiss the case pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (Dkt. No. 28). For the reasons set forth below, the Court **ADOPTS** the R & R.

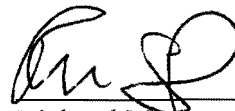
Plaintiff brought this pro se action against Defendants pursuant to 42 U.S.C. § 1983, seeking various forms of injunctive relief relating to his medical care at the Charleston County Detention Center. (See Dkt. No. 1 at 5). The Magistrate Judge issued orders directing Plaintiff to notify the clerk in writing of any change of address. (Dkt. No. 9, 14). These orders were mailed to Plaintiff with no issues. (Dkt. Nos. 10, 15). But subsequent mailings to Plaintiff regarding Defendants’ motion for summary judgment and the Magistrate Judge’s R & R were returned undeliverable. (Dkt. Nos. 24, 30, 31). The final piece of returned mail indicated that Plaintiff was “OOJ,” or Out Of Jail. (Dkt. No. 31). Unsurprisingly, Plaintiff has not filed any objections to the R & R.

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). Where the plaintiff fails to file any specific objections, the Magistrate Judge’s conclusions are reviewed only for clear error, *see Diamond v. Colonial Life & Accident Insurance Co.*, 416 F.3d 310, 315 (4th Cir. 2005), and this Court is not required to give any explanation for adopting the recommendation of the Magistrate Judge, *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983).

The Court, having reviewed the record and R & R and finding no clear error, agrees with and adopts the R & R as the order of the Court. The Court therefore **DISMISSES** the case pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

AND IT IS SO ORDERED



Richard M. Gergel
United States District Court Judge

May 26, 2016
Charleston, South Carolina