

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

William Mark Ashby,)	
)	Civil Action No. 8:16-cv-02581-JMC
Plaintiff,)	
)	
v.)	ORDER
)	
Officer Tollison; Major Joe Tyson,)	
)	
Defendants.)	
_____)	

This matter is before the court upon review of Magistrate Judge Jacquelyn D. Austin’s Report and Recommendation (“Report”) (ECF No. 53), filed on April 19, 2017, recommending that Plaintiff William Mark Ashby’s Complaint be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failing to respond to Defendant’s Motion for Summary Judgment. (ECF No. 41.)

The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, which 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 to which specific objections are made.

The parties were advised of their right to file objections to the Report. (ECF No. 53-1.) However, neither party filed any objections to the Report.

In the absence of objections to the Magistrate Judge’s Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in 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). Furthermore, failure to file specific written objections to the Report results in a party’s waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

After a thorough review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law and it does not contain clear error. The court **ADOPTS** the Magistrate Judge’s Report and Recommendation (ECF No. 53). Moreover, Defendants’ Motion for Summary Judgment (ECF No. 41) is **DENIED** as moot and the court **DISMISSES** Plaintiff’s Complaint with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.



United States District Judge

June 21, 2017
Columbia, South Carolina