

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

Timothy A. Evans,)
)
Plaintiff,)
)
vs.)
)
William R. Byars, Jr., Dennis Patterson,)
John R. Pate, Arthur Jordan, McKendly)
Newton, Walter Worrock, Ricky Grimes,)
Larry Morris, George Jenkins, Rump,)
Bealum, Keith Wallace, John Barkley,)
Donaldson, Spalding, M. Smart, Ann)
Hallman,)
)
Defendants.)
_____)

Civil Action No. 8:16-3811-TMC-JDA

ORDER

Plaintiff filed this action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. (ECF No. 1).¹ Defendants William R. Byars, Jr., Dennis Patterson, John R. Pate, Arthur Jordan, McKendly Newton, Walter Worrock, Ricky Grimes, Larry Morris, George Jenkins, Rump, Keith Wallace, John Barkley, Donaldson, M. Smart, and Ann Hallman (collectively, the “ Moving Defendants”) filed a motion to dismiss. (ECF No. 16). Before the court is the Magistrate Judge’s Report and Recommendation (“Report”), recommending that the court deny the Moving Defendants’ motion to dismiss. (ECF No. 99). The parties were advised of their right to file objections to the Report. (ECF No. 99-1). However, no objections to the Report have been filed, and the time to do so has now run.

¹In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02, DSC, this matter was initially referred to a magistrate judge.

The Report has no presumptive weight and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections to the 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).

Accordingly, the court adopts the Report (ECF No. 99) and Defendants’ Motion to Dismiss (ECF No. 16) is **DENIED**.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

August 15, 2017
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.