

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

Rahmad I. Norman,)
)
Plaintiff,)
)
v.)
)
Toby Home, Saluda County Sheriff’s)
Office, Dale Boyer, and Greenwood)
County Sheriff’s Office,)
)
Defendants.)
_____)

Civil Action No. 8:17-cv-00654-TMC

ORDER

Plaintiff, proceeding pro se and *in forma pauperis*, brought this action pursuant 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. The Plaintiff filed his Complaint on March 8, 2017. (ECF No. 1). Defendants answered the Complaint. (ECF No. 19). On February 7, 2018, Defendants filed a Motion for Summary Judgment. (ECF No. 24). The magistrate judge issued an Order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the potential consequences that he could face if he failed to adequately respond to Defendant’s motion. (ECF No. 25). Despite this admonition, Plaintiff did not respond to the motion. Before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending either that the court dismiss the case for lack of prosecution. (ECF No. 28).

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *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 & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 Advisory Committee’s note).

In the Report, Plaintiff was advised that if he wished to proceed with this case, he should notify the court within the time set forth for filing objections to the Report and should provide a response to the Motion for Summary Judgment. (ECF No. 28 at 2). The magistrate judge stated that if such a response was received, the Clerk of Court would vacate the Report and return the file back to the magistrate judge for further handling regarding the Motion for Summary Judgment. *Id.* However, the Report, which was mailed to Plaintiff’s last known address, was returned undeliverable. (ECF No. 30). The court notes that Plaintiff was advised by order filed May 22, 2017, of his responsibility to notify the court in writing if his address changed and that his case could be dismissed for failing to comply with the court’s order. (ECF No. 8).¹

After a careful and thorough review of the record under the appropriate standards, as set forth above, the court finds that Plaintiff’s case is subject to dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b) for failure to comply with court orders.² Accordingly, the court adopts the Report (ECF No. 28), and incorporates it herein. Therefore, this case is **DISMISSED without prejudice**.

Furthermore, the Defendant’s Motion for Summary Judgment (ECF No. 24) is **DENIED as moot**.

¹ It is further evident that Plaintiff actually knew of this duty to update the court if his address changed, as he has filed two different notifications of such during these proceedings. (ECF Nos. 5, 13).

Plaintiff should be fully aware of his responsibility to prosecute his case because he has had at least five other cases before this court that have been dismissed for failure to prosecute. *See Norman v. Greenville Cty. Sheriff’s Office et al.*, No. 6:17-cv-00364-TMC (D.S.C. Feb. 12, 2018); *Norman v. Burns*, No. 9:17-cv-01552-TMC (D.S.C. Oct. 4, 2017); *Norman v. Osbourne et al.*, 8:13-cv-01242-TMC (D.S.C. Jan. 7, 2014); *Norman v. Price*, 8:12-cv-0323-TMC (D.S.C. Dec. 4, 2013); *Norman v. Brooks et al.*, 8:12-cv-02862-TMC (D.S.C. Nov. 20, 2013).

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
April 19, 2018

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.