

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

Thurman D. Payne,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No.: 9:07-3900-TLW-BM
	)	
J. Edwards, M. Christian, Jerry Comstock,	)	
Marty C. Anderson,	)	
	)	
Defendants.	)	
_____	)	

**ORDER**

On December 5, 2007, the plaintiff, Thurman D. Payne (“Plaintiff”), proceeding *pro se*, filed this action pursuant to Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971). (Doc. #1). The case was referred to Magistrate Judge Bristow Marchant pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2)(c), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. #37). On September 12, 2008 the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that “Plaintiff’s motion for summary judgment be denied, that the Defendants’ motion to dismiss be granted and that this case be dismissed, without prejudice, for failure of the Plaintiff to exhaust his administrative remedies.” (Doc. #37). The Plaintiff filed no objections to the report. Objections were due on September 29, 2008.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept,

reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. 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 recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #37).

**IT IS SO ORDERED.**

s/Terry L. Wooten  
United States District Judge

December 5, 2008  
Florence, South Carolina