

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

Jacoby D Fennell,)
Plaintiff,) C.A. No.: 9:08-01100-RBH
vs.)
Fritz Ford, SCDC Officer Evans Institution)
SC Department of Corrections,)
Defendants.)

)

O R D E R

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Bristow Marchant, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation 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 and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

No objections were filed to the Report and Recommendation. The plaintiff was notified by Order of the Court on April 14, 2008 [entry #7] to notify the Clerk in writing of any change of address, and if he failed to meet the deadline for a filing, then his case could be dismissed. The

court has not been notified of any change of address. The Report and Recommendation was mailed to the plaintiff on October 29, 2008 [entry #30], and was returned to the Court on November 10, 2008 [entry #32] marked "Released 08-01-08." The plaintiff has failed to comply with the Court's Order and has failed to prosecute. 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).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Marchant's Report and Recommendation and incorporates it herein. It is therefore

ORDERED that this action is dismissed with prejudice for lack of prosecution and failure to comply with this Court's Orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. BRYAN HARWELL
United States District Judge

Florence, South Carolina
November 18, 2008