

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

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Elmer Richard Rice,)
)
Appellant,)
)
v.)
)
James M. Wyman,)
)
Appellee,)
_____)

Civil Action No. 9:09-2052-SB

ORDER


This matter is before the Court upon Elmer Richard Rice's pro se appeal of the Bankruptcy Court's Order dismissing his bankruptcy case. On August 4, 2009, the Court informed Rice in a "Notice of Filing and Briefing" that, pursuant to Rule 8007 of the Bankruptcy Act and Rules, he needed to file his brief within fifteen (15) days. Despite this notice, Rice failed to do so. Therefore, on October 13, 2009, United States Magistrate Judge Bristow Marchant issued a report and recommendation ("R&R"), wherein he granted Rice another opportunity to file his brief and specifically instructed Rice to notify the Court within the 10-day time period for filing objections whether he wished to proceed with his appeal. To date, Rice has failed to file both his brief and objections to the R&R. Therefore, it appears that he no longer wishes to proceed with this appeal.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because no objections have been filed, the Court need not conduct a de novo review of any portion of the R&R. Accordingly, the Court hereby adopts

the Magistrate Judge's R&R as the Order of this Court, and it is

ORDERED that Rice's appeal is dismissed with prejudice for failure to prosecute.

AND IT IS SO ORDERED.



The Honorable Sol Blatt, Jr.
Senior United States District Judge

November 6, 2009
Charleston, South Carolina