

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

Edward Mack, # 261986,)	
)	
Petitioner,)	
)	
vs.)	Civil Action No.: 9:10-cv-00763-TLW
)	
A.J. Padula,)	
)	
Respondent.)	
_____)	

ORDER

On March 25, 2010, the petitioner, Edward Mack (“petitioner”), proceeding pro se, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. #1). The petitioner filed a motion to withdraw his federal habeas petition without prejudice on July 23, 2010, so that he could pursue his state court remedies. (Doc. # 26).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Bristow Marchant to whom this case had previously been assigned. (Doc. # 29). On July 27, 2010, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that the petitioner’s motion to withdraw his federal habeas petition without prejudice (Doc. # 26) be granted. (Doc. # 29). The petitioner filed no objections to the Report. Objections were due on August 13, 2010. In the Report, the Magistrate Judge also notified the petitioner that if his contemplated state court filing is found untimely, it will not toll the running of the federal limitations period set forth in 28 U.S.C. § 2244(d). The petitioner

has not given any indication to the Court that he wishes to withdraw his motion to dismiss this action.

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. It is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED**. (Doc. # 29). For the reasons articulated by the Magistrate Judge, the petitioner's motion to withdraw his federal habeas petition without prejudice (Doc. # 26) is **GRANTED**.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

January 12, 2011
Florence, South Carolina