

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

David Winters,)	C/A No. 9:10-2700-JFA-BM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
United States of America,)	
)	
Defendant.)	
_____)	

The *pro se* plaintiff, David Winters, brings this action pursuant to the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, *et seq.* He is an inmate at the Federal Bureau of Prisons. Among other things, the plaintiff contends that the defendant, through its agents and employees, has been grossly negligent regarding the plaintiff's medical care and treatment.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that the defendant's motion for summary judgment should be granted. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The defendant filed a motion for summary judgment. An order was then issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) notifying plaintiff of the summary dismissal procedure and possible consequences if he failed to adequately respond

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (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 to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

to the motion for summary judgment. Plaintiff responded to the motion.

The plaintiff was also advised of his right to file objections to the Report and Recommendation, which was entered on the docket on July 14, 2011. However, the plaintiff did not file any objections to the Report within the time limits prescribed.² In the absence of specific objections to the Report 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 careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, the defendant's motion to dismiss and for summary judgment (ECF No. 34) is granted and this action is dismissed with prejudice.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.
United States District Judge

August 16, 2011
Columbia, South Carolina

² On July 14, 2011, a copy of the Report and Recommendation was mailed to the plaintiff. On July 22, 2011, the plaintiff advised the court of his new address and the Clerk remailed another copy of the Report to the plaintiff at his new address. The deadline to file objections has now passed with no response from the plaintiff.