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

Terrell Rhodes Montgomery, Petitioner, v. Mount Pleasant Police Department; and Dorchester County Police Department, Respondents.	)	C/A No. 9:11-0502-TMC **OPINION and ORDER**

The Petitioner, Terrell Rhodes Montgomery, proceeding *pro se*, filed this action seeking habeas relief pursuant to 28 U.S.C. § 2241. Petitioner, a pretrial detainee at the Charleston County Detention Center, filed this action *in forma pauperis* under 28 U.S.C. § 1915. Petitioner requests review of his pending state criminal case, immediate release from custody, and dismissal of "any and all charges related to this matter." (Dkt. # 1 at 9). The Magistrate Judge's Report and Recommendation (Dkt. # 10), filed on April 20, 2011, recommends that the Court dismiss the Petition for a Writ of Habeas Corpus without prejudice and without requiring a response by the Respondents. The Report and Recommendation sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the Magistrate Judge's Report herein without a recitation. This matter was assigned to the undersigned on October 14, 2011.

The Magistrate Judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil 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 objections are made, and the court may accept, reject, or

modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Petitioner was advised of his right to file objections to the Report and Recommendation (Dkt. # 10 at 4). However, Petitioner filed no objections to the Report and Recommendation.

In the absence of objections to the Magistrate Judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report and Recommendation results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

Accordingly, after a thorough review of the Report and the record in this case pursuant to the standard set forth herein, the court adopts the Magistrate Judge's Report and Recommendation (Dkt. # 10) and incorporates it herein. It is therefore **ORDERED** that the Petition for a Writ of Habeas Corpus is **DISMISSED** without prejudice and without requiring a response by the Respondents.

IT IS SO ORDERED.

s/ Timothy M. Cain
United States District Judge

Greenville, South Carolina
January 23, 2012

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.