

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

Cedrick Demond Smith,)	
)	CA No. 9:11-2400-TMC
Plaintiff,)	
)	
v.)	ORDER
)	
John B. McRee, Physician II;)	
Christina J. Black, LPN;)	
Brenda L. Williams, RNI;)	
Debra Burnett, RNI;)	
Anita A. Crawford, LPN;)	
Tarcia L. James, RNI,)	
Sgt. Holmes and IGC Ms. Holmes,)	
)	
Defendants.)	
)	

Plaintiff Cedrick Demond Smith (Smith), proceeding *pro se*, filed this action against the defendants pursuant to 42 U.S.C. § 1983. (Dkt. No. 1.) This matter is before the court for review of the Report and Recommendation (Report) (Dkt. No. 41) of the United States magistrate judge made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 of the District of South Carolina. The Report recommends granting the defendants’ motion for summary judgment. (Dkt. No. 35.)¹ The court adopts the Report and grants the motion for summary judgment.

On February 28, 2012, the magistrate judge issued the Report. The Report sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the magistrate judge's Report here without a recitation. Briefly, Smith is an inmate with the South

¹ The magistrate judge's recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of those portions of the Report to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Carolina Department of Corrections and alleges violations of his constitutional rights by the named defendants. On January 31, 2012, the defendants² filed a motion for summary judgment. (Dkt. No. 35.)

Objections to the Report were due by March 16, 2012. However, no objections to the Report have been filed. In the absence of objections to the Report, 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 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).

After a thorough review of the Report and the record in this case, the court adopts the Report and incorporates it herein. (Dkt. No. 41.) It is therefore **ORDERED** that the motion for summary judgment is **GRANTED**. (Dkt. No. 35.), and this case is **DISMISSED**.

IT IS SO ORDERED.

s/Timothy M. Cain
Timothy M. Cain
United States District Judge

Greenville, South Carolina

² It does not appear that the Defendant Debra Burnett has ever been served with process. (*See* Dkt. Nos. 21, 23, 27, 30, 32.) The remaining defendants have all been served, have answered, and have filed the above-referenced dispositive motion.

March 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.