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

Jamie Anthony Makupson, also known as Jamie Makupson, Plaintiff, v. Chuck Wright, Sheriff; Preston Miller, Lieutenant; William Brobson, Sergent; NFN Nichols, Seargent; NFN Freeman, Captain; Brian Cunningham, Deputy; J. Shehan; J. Hayes; J. Guinn; B. Branson; B. Lanford; J. Gillespie; and J.T. Seargent, Lieutenant, Defendants.	Civil Action No.: 9:13-cv-01435-RBH **ORDER**

Plaintiff Jamie Anthony Makupson, a state prisoner proceeding pro se, filed this action, alleging constitutional claims against the above-captioned Defendants. The matter is now before the Court for review of the Report and Recommendation of United States Magistrate Judge Bristow Marchant, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. The Magistrate Judge recommends that the Court dismiss Plaintiff's claims against Defendant Sheriff Chuck Wright, without prejudice and without service of process, for failure to state a claim.

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 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 with instructions. See 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the Report and Recommendation. The mail sent by the Court to Plaintiff, which enclosed the Report and Recommendation, was "Returned to Sender" as "Not Deliverable as Addressed." Plaintiff has not furnished the Court with notice of a change of address different from the address where the Report and Recommendation was mailed, as he is required to do. See July 3, 2013 Order, ECF No. 14. However, the Court also sent the Report and Recommendation to Kirkland Correctional Institution, where a South Carolina Department of Corrections inmate search revealed his location. The mail has not been returned, and it is presumed Plaintiff received it. 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 reviews only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct 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' ") (quoting Fed. R. Civ. P. 72 advisory committee's note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

ORDERED that Defendant Sheriff Chuck Wright is **DISMISSED** without prejudice and without service of process.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
August 16, 2013