

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

2014 JUL -3 P 2: 28

Jovan Cornelius Simon, # 25282-171,

Plaintiff,

vs.

L/Cpl. Kevin Paige, SCHP; Trooper Bucky  
Geddings, SCHP; L/Cpl. Mark Jennings,  
SCHP; Agent H. Eric Cohoon, ATF,

Defendants.

C/A No.: 9:13-cv-03025-RMG-BM

**ORDER**

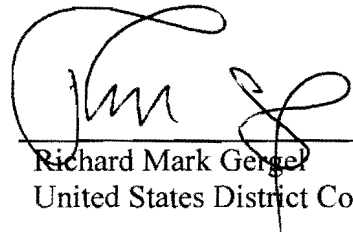
This matter is before the Court on the Report and Recommendation ("R & R") of the Magistrate Judge recommending that the Court deny Defendants Geddings and Jennings' Motion to Dismiss. (Dkt. No. 58). No party has filed objections. For the reasons set forth below, the Court ADOPTS the R & R as the order of the Court.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Matthews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the R & R to which specific objection is made. Here, however, because no objection has been made, this Court "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 note). Moreover, in the absence of specific objections to the R & R, the Court need not give any explanation for adopting the Magistrate Judge's analysis and recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983).

The Court previously addressed whether or not the Plaintiff had alleged sufficient facts to preclude summary dismissal against Defendants Geddings and Jennings. (*See* Dkt. Nos. 25, 28). The Court found that the allegations, as amended, were sufficient. *Id.*

Therefore the District Court **ADOPTS** the Magistrate Judge's R & R, (Dkt. No. 58), as the order of the Court. Accordingly, the Defendants' Motion to Dismiss (Dkt. No. 46) is **DENIED**.

**AND IT IS SO ORDERED**



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Richard Mark Gergel  
United States District Court Judge

July 3, 2014  
Charleston, South Carolina