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

Cody J. Pearson, a/k/a Cody Javar Pearson, Plaintiff, v. Capt. J. Stevenson; Lt. Tompkins; Sgt. Smith; and South Carolina Department of Corrections, Individually and Official Capacity, Defendants.	Civil Action No.: 9:14-cv-0454-RBH **ORDER**

Plaintiff Cody J. Pearson, a/k/a Cody Javar Pearson ("Plaintiff"), a state prisoner proceeding *pro se*, filed this action on February 21, 2014, alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. The matter is before the Court for review of the Report and Recommendation ("R & R") 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. *See* R & R, ECF No. 18. In the Report and Recommendation, the Magistrate Judge recommends that the Court dismiss Defendant South Carolina Department of Corrections without prejudice and without service of process. *Id.* at 5.

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).

No party has filed objections to the Report and Recommendation. 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 recommendations. *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 South Carolina Department of Corrections 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
April 22, 2014