

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

MICHAEL D. JAMES,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 9:14-cv-03582-TLW
)	
DANIEL COTTER, Perry CI Officer;)	
COACH ROBERTSON, Perry Basketball)	
Coach; DHO GLIDEWELL, Disciplinary)	
Hearing Officer; LARRY CARTLEDGE,)	
Perry CI Warden; and ANN HALLMAN,)	
Chief Grievance Coordinator,)	
)	
Defendants.)	
)	
<hr style="width: 30%; margin-left: 0;"/>)	

ORDER

Plaintiff Michael D. James, proceeding pro se and in forma pauperis, filed this civil action pursuant to 42 U.S.C. § 1983 on September 9, 2014. (Doc. #1). This matter is before the Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Bristow Marchant, to whom this case was assigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d), (D.S.C.). In the Report, the Magistrate Judge recommends that this Court dismiss this action without prejudice and without issuance and service of process. (Doc. #14). Plaintiff filed a reply to the Report on December 5, 2014, acknowledging that he “should have []waited until after [his] disciplinary conviction have been [sic] overturned by the Administrative Law Judge” before filing this action. (Doc. #16). He states that it is “only wise for [him] to agree with the recommendation,” and he asks the Court to dismiss his § 1983 claim without prejudice. Id.

The Court is charged with conducting a de novo review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained therein. 28 U.S.C. § 636. However, in the absence of objections to the Report, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendation. See Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, "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 & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

After carefully reviewing the Report in accordance with this standard, and in light of Plaintiff's reply to the Report, it is hereby **ORDERED** that the Report and Recommendation is **ACCEPTED**. (Doc. #14). This action is **DISMISSED** without prejudice and without issuance and service of process. (Doc. #1).

IT IS SO ORDERED.

s/ Terry L. Wooten

Terry L. Wooten
Chief United States District Judge

December 12, 2014
Columbia, South Carolina