

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

Courtney Lamont Pauling,)
)
 Plaintiff,)
)
 v.)
)
 Chuck Wright; Neal Urch;)
 William J. Church; T. Hadden;)
 A. Styles,)
)
 Defendants.)
 _____)

Civil Action No. 9:14-cv-04501-JMC

ORDER

Plaintiff, proceeding *pro se*, brought this action seeking relief pursuant to 42 U.S.C. § 1983. (ECF No. 1.) This matter is before the court for review of the Magistrate Judge’s Report and Recommendation (“Report”) (ECF No. 45), filed on October 27, 2015, recommending that Plaintiff’s action, (ECF No. 1), be dismissed without prejudice. The Report sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the Magistrate Judge’s recommendation herein without a recitation.

The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, and 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 to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge’s recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

In this case, Plaintiff was advised of the right to file an objection to the Report “within fourteen (14) days of the date of service of the Report and Recommendation,” or by November 13, 2015. (ECF No. 21.) Plaintiff filed an Objection on December 22, 2015. (ECF No. 47.)

“[I]n 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). After a thorough review of the Report and the record in this case, the court finds that the Report provides an accurate summary of the facts and law and that there is no clear error.

Therefore, the court **ADOPTS** the Magistrate Judge’s Report and Recommendation (ECF No. 45). It is therefore **ORDERED** that Plaintiff’s action, (ECF No. 1), be **DISMISSED** without prejudice.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

January 15, 2016
Columbia, South Carolina