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

Vincent Jerode Beaton, #196947, Plaintiff v. Ms. Montgomery, Nurse; Ms. Stokes, Medical Director of Lee Institution; Ms. Fulton, Head Nurse; and Warden Davis, Defendants.	C/A No. 9:15-0018-CMC **Opinion and Order**

This matter is before the court on Plaintiff's *pro se* complaint filed in this court pursuant to 42 U.S.C. §1983 on January 5, 2015. ECF No. 1. Defendants filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), or in the alternative, for summary judgment pursuant to Federal Rule of Civil Procedure on October 12, 2015. ECF No. 40. A *Roseboro* order was entered by the court on October 14, 2015, advising Plaintiff of the importance of a dispositive motion and the need for Plaintiff to file an adequate response. ECF No. 41. Plaintiff filed a response on November 30, 2015. ECF No. 47. Defendants filed their reply on December 11, 2015. ECF No. 52.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Bristow Marchant for pre-trial proceedings and a Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo*

determination of those portions of the Report 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 to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). 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, 315 (4th Cir. 2005) (stating that "in 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.'") (quoting Fed. R. Civ. P. 72 advisory committee's note).

On March 9, 2016, the Magistrate Judge issued a Report and Recommendation, recommending that Defendants' summary judgment motion be granted in its entirety, and that the case be dismissed. ECF No. 55. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.

After reviewing the motion, Plaintiff's response, the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the court adopts and incorporates the Report and Recommendation by reference into this Order.

Therefore, it is hereby ordered that the Defendants' motion for summary judgment is granted.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
April 6, 2016