

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

Douglas Kornacki,)
Petitioner,) 2016 JUN 21 P 3:04
v.) Civil Action No. 9:15-2244-RMG
Warden Linda Thomas,)
Respondent.)

)

ORDER

This matter is before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge. (Dkt. No. 32). The Court hereby adopts the R & R as the order of the court.

Petitioner is a federal prisoner. On June 3, 2015, he filed this petition seeking (1) an order for the Bureau of Prisons to cease and desist collecting funds from his inmate account for restitution (“Ground One”), and (2) an order listing him as exempt from further restitution payments until his release (“Ground Two”). (Dkt. No. 1). Respondent filed a motion to dismiss. (Dkt. No. 10). After a delay due to Petitioner’s transfers between facilities (Dkt. No. 24), the Magistrate Judge filed an R & R recommending that this Court dismiss Petitioner’s § 2241 petition. (Dkt. No. 32). Petitioner filed no objections.

Where a Magistrate Judge has submitted to a District Court a R & R, any party may file written objections within 14 days of the issuance of the R & R. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). A District Court must “make a *de novo* determination of those portions of the report . . . or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). Where no timely filed objection has been made, the District Court is obligated to review the R & R to confirm 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).

The Court has reviewed the record in this matter, the R & R of the Magistrate Judge, and the applicable law. The Court finds that the Magistrate Judge has ably and thoroughly addressed the factual and legal issues in this matter. Therefore, the Court **ADOPTS** the R & R (Dkt. No. 32), **GRANTS** Petitioner's motion to dismiss (Dkt. No. 10), and **DISMISSES** Ground One with prejudice and Ground Two without prejudice.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

June 21, 2016
Charleston, South Carolina