



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

LARRY JAMES TYLER,
Plaintiff,

vs.

WADELL COE and DIANN WILKS,
Defendants.

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CIVIL ACTION NO. 9:16-cv-02711-MGL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION,
GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT,
AND DISMISSING THE CASE WITH PREJUDICE**

This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court (1) for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Defendants' motion for summary judgment be granted and this case be dismissed; and (2) consideration of Plaintiff's motion to dismiss. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

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 the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (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 with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on March 9, 2017, and the Clerk of Court entered Plaintiff's motion to dismiss the case, in lieu of his objections, on March 23, 2017.

In Plaintiff's motion to dismiss, he states he "would like not to pursue" his case. ECF No. 31. Further, Plaintiff asks the Court to "please dismiss" his case and avers "there is a new sheriff in Darlington [who] has a new jail warden [who] easily took me off their poor under nutritional vegetarian diet." *Id.* In light of Plaintiff's motion to dismiss his case, the Court concludes Plaintiff has no objections to the Report.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court Defendants' motion for summary judgment is **GRANTED** and this case is **DISMISSED WITH PREJUDICE**. Plaintiff's motion to dismiss is thus **RENDERED MOOT**.

IT IS SO ORDERED.

Signed this 23rd day of March, 2017, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.