

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

Steven Clarence Holman,)	
)	Civil Action No. 9:16-cv-02744-JMC
Petitioner,)	
)	
v.)	ORDER
)	
Travis Bragg, Warden,)	
)	
Respondent.)	
_____)	

Steven Clarence Holman (“Petitioner”), proceeding pro se, filed this instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (ECF No. 1.) Petitioner is currently incarcerated at the Federal Correctional Institution in Bennettsville, South Carolina. (See ECF No. 19 at 2.) In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, the matter was referred to United States Magistrate Judge Bristow Marchant, for pre-trial handling. On January 6, 2017, the Magistrate Judge issued a Report and Recommendation (“Report”) recommending that the Petition in this case, (ECF No. 1), be dismissed without prejudice and without requiring Respondent to file a return. (ECF No. 19.) The Report sets forth the relevant facts and legal standards, which the court incorporates 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. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Matthews v. Weber, 423 U.S. 261, 270-71 (1976). This 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). “[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, 316 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Failure to timely file specific written objections to a Report will result in a waiver of the right to appeal from an Order from the court based upon the Report. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140, 155 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

Plaintiff has failed to file timely objections to the Report and Recommendation of the Magistrate Judge. Therefore, finding no clear error on the record, this court adopts the recommendation of the Magistrate Judge.

CONCLUSION

Based on the aforementioned reasons and a thorough review of the Report of the Magistrate Judge and the record in this case, the court **ACCEPTS** the Report of the Magistrate Judge (ECF No. 19). It is therefore ordered that Petitioner’s Petition (ECF No. 1) is **DISMISSED** without prejudice and without requiring Respondent to file a return.

IT IS SO ORDERED.



United States District Judge

March 1, 2016
Columbia, South Carolina