



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

GEORGE PORTERFIELD, a/k/a,
Larry Brown,
 Petitioner,

vs.

LARRY CARTLEDGE,
 Respondent.

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§ CIVIL ACTION NO. 9:16-3454-MGL-BM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND DENYING PETITIONER’S MOTION TO DISMISS AND MOTION TO STAY
WITHOUT PREJUDICE**

This case was filed as a 28 U.S.C. § 2254 petition. Petitioner is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Petitioner’s motion to dismiss and motion to stay be dismissed. 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 April 25, 2017, and the Clerk of Court entered Petitioner's objections to the Report on May 15, 2017. After the Court's careful review of Petitioner's submission, it notes he fails to take issue with the Magistrate Judge's suggestion the Court deny his motion to dismiss and motion to stay. Therefore, the Court will enter judgment accordingly.

Accordingly, after a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Petitioner's objections, adopts the Report, and incorporates it herein. Consequently, it is the judgment of this Court both Petitioner's motion to dismiss and his motion to stay are **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Signed this 26th day of June, 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.