

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

Silvester Desmond Scott,)
)
 Plaintiff,)
)
 v.)
)
 Sgt. K. Carter, Capt. A. Grant and)
 Chief W. Beatty,)
)
 Defendants.)
 _____)

Civil Action No. 9:19-316-BHH

ORDER

This matter is before the Court upon Plaintiff’s *pro se* complaint alleging violations of his constitutional rights by the named Defendants. In accordance with Local Rule 73.02(B)(2)(a), the matter was referred to a United States Magistrate Judge for preliminary review.

On April 9, 2019, the Magistrate Judge issued an order giving Plaintiff the opportunity to amend his complaint to correct possible deficiencies and to provide necessary information and paperwork to bring the case into proper form for evaluation and possible service of process. Plaintiff was specifically warned that failure to provide the necessary information within the permitted time would subject the case to dismissal. Despite this warning, Plaintiff failed to provide the necessary information. Accordingly, on May 8, 2019, the Magistrate Judge issued a report and recommendation (“Report”), recommending that the Court dismiss this action without prejudice in accordance with Federal Rule of Civil Procedure 41. Attached to the Report was a notice advising Plaintiff of his right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed, and Plaintiff still has not provided the

necessary paperwork to bring this case into proper form.

The Magistrate Judge makes only a recommendation to the 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 only 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 recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. 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).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the Court **adopts the Report** (ECF No. 16), and this action is dismissed without prejudice in accordance with Rule 41 of the Federal Rules of Civil Procedure.

AND IT IS SO ORDERED.

/s/Bruce H. Hendricks
The Honorable Bruce Howe Hendricks
United States District Judge

May 30, 2019
Charleston, South Carolina