

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

Charles Michael Stokes #324518,)
)
 Plaintiff,)
)
 vs.)
)
 Miss Scarborough, Mr. Byrd, and Miss)
 Richardson,)
)
 Defendants.)
)
 _____)

Case No.: 9:20-cv-1675-JD-MHC

OPINION & ORDER

This matter is before the Court with the Report and Recommendation of United States Magistrate Molly H. Cherry (“Report and Recommendation”), made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2) of the District of South Carolina.¹ Charles Michael Stokes (“Stokes” or “Plaintiff”), proceeding *pro se*, seeks damages based on alleged civil rights violations pursuant to 42 U.S.C. § 1983.

Miss Scarborough, Mr. Byrd and Miss Richardson (collectively “Defendants”) filed a Motion for Summary Judgment on December 23, 2020. (DE 51.) On December 23, 2020, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Plaintiff was advised of the summary judgment and motion to dismiss procedures and the possible consequences if he failed to respond adequately to the motion. (DE 52.) Plaintiff filed a Motion to Dismiss on January 19, 2021, seeking dismissal of this action. (DE 58.) Defendants did not object to Plaintiff’s motion.

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

(DE 59.) The Report and Recommendation was issued on February 2, 2021, recommending that the case be dismissed without prejudice pursuant to Rule 41(a)(2), Fed. S. Civ. P. (DE 60.)

The Defendants filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court 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, 315 (4th Cir. 2005).

Upon review of the Report and Recommendation and the record in this case, the Court adopts the Report and Recommendation and incorporates it herein by reference.

It is, therefore, **ORDERED** that this action is dismissed without prejudice.

IT IS SO ORDERED.



Joseph Dawson, III
United States District Judge

Greenville, South Carolina
May 12, 2021

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.