

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Muhammad Al-Mujahidin, *also known as John Hamilton,*)

Plaintiff,)

vs.)

K. Nelson, S.C.D.C., P. Odom, Dr. Stacy Smith, K. Plowden-Allen, Elizabeth Ringold,)

Defendants.)

Civil Action No. 9:21-1041-BHH

ORDER AND OPINION

This matter is before the Court upon Plaintiff Muhammad Al-Mujahidin’s (“Plaintiff”) *pro se* complaint, which alleges violations of his constitutional rights pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(e), D.S.C., the matter was referred to a United States Magistrate Judge for preliminary review.

On May 5, 2021, the Magistrate Judge issued a proper form Order giving Plaintiff until May 26, 2021, to bring the case into proper form for evaluation and possible service of process. (ECF No. 9.) In that Order, Plaintiff was warned that failure to provide the necessary information within the timetable set forth would subject the case to dismissal. Plaintiff failed to comply with that Order.

On June 15, 2021, the Magistrate Judge issued a report and recommendation (“Report”) recommending that this action be dismissed *without prejudice* in accordance with Federal Rule of Civil Procedure 41. (ECF No. 12.) Attached to the Magistrate Judge’s 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. (*Id.* at 3.) Plaintiff filed no objections and the time for doing so expired on July 2, 2021. (*See id.* (noting objections were due by June

29, 2021, with an additional three days to be added if served by mail).)

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 Magistrate Judge’s Report (ECF No. 12) and DISMISSES this action, *without prejudice*, in accordance with Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

July 28, 2019
Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.