

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

Sterling L. Singleton,

Plaintiff,

v.

Bryan P. Stirling, Dennis Patterson, Willie Davis, Terry Wallace, Whittington Willie Ocean, Michael Pressly, Edward Gadsden, Bostic, Brennen, Ms. Labradore, William Gill, Shannon Dean, Shawn Stover, Anthony Tishiro Inabnit, and Sophia Paquette,

Defendants.

Case No. 9:21-cv-03820-RMG

ORDER AND OPINION

This matter comes before the Court on the Report and Recommendation (R & R) of the Magistrate Judge (Dkt. No. 102), recommending that the Court grant Defendants' Motions for Summary Judgment (Dkt. Nos. 81, 82). Plaintiff has not filed any objections to the R & R. For the reasons stated below, the Court ADOPTS the R & R and GRANTS Defendants' motions.

The Magistrate Judge makes only a recommendation to this 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, 270–71, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). This Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made. Here, however, because no objection has been made, this 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) (quoting Fed. R. Civ. P 72 advisory committee note). Moreover,

in the absence of specific objections to the R & R, the Court need not give any explanation for adopting the Magistrate Judge's analysis and recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir.1983).

The Court agrees with the Magistrate Judge that Defendants are entitled to summary judgment because Plaintiff has failed to exhaust his administrative remedies. Plaintiff argued that he did file an emergency grievance, but he failed to produce any evidence showing he filed any grievances related to the issues raised in this case. Even if the Court assumes Plaintiff did file an emergency grievance, it is undisputed that Plaintiff failed to exhaust his administrative remedies because Plaintiff did not argue that he took any steps further than filing the emergency grievance. Additionally, the Court agrees that Plaintiff failed to show the grievance process became unavailable to him. Accordingly, the Court agrees that Plaintiff is unable to overcome the undisputed evidence that he failed to exhaust his available administrative remedies.

Therefore, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation, (Dkt. No. 102), as the order of this Court. Accordingly, Defendants' motions for summary judgment (Dkt. Nos. 81, 82) are **GRANTED**, and this case is **DISMISSED WITH PREJUDICE** .

IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

June 23, 2023
Charleston, South Carolina