

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

James Randall Carpenter, Jr,)
)
Plaintiff,)
)
vs.)
)
Berkeley County Detention Center,)
South Carolina Department of)
Corrections, Unknown Judge, Director)
Brian Sterling,)
)
_____Defendants._____)

Civil Action No. 9:22-cv-04037-TMC

ORDER

James Randall Carpenter, Jr (“Carpenter”), a prisoner proceeding *pro se* and *in forma pauperis*, brought this action against Defendants pursuant to 42 U.S.C. § 1983. (ECF No. 1). In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d), (e) (D.S.C.), this matter was referred to a magistrate judge for pretrial handling. On January 3, 2023, Plaintiff filed pro se filing which the court liberally construed as a motion to voluntarily dismiss the case in exchange for a transfer of custody. (ECF No. 18). Plaintiff thereafter filed a supplement to that motion, in which he requested additional relief in lieu of proceeding with his lawsuit. (ECF No. 19). Now before the court is the magistrate judge's Report and Recommendation (“Report”), recommending that the court deny Plaintiff’s motion to dismiss and motion to transfer (ECF No. 18) and dismiss this action, without prejudice, without leave to amend, and without issuance and service of process. (ECF No. 26). The Report was mailed to Plaintiff at the address he provided the court, (ECF No. 27), and has not been returned as undeliverable. Therefore, Plaintiff is presumed to have received the Report. Plaintiff was advised of his right to file specific objections to the Report. (ECF No. 26 at 11). However, Plaintiff has filed no objections, and the time to do so has now run. Accordingly, this matter is ripe for review.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Wimmer v. Cook*, 774 F.2d 68, 72 (4th Cir. 1985) (quoting *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976)). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *Greenspan v. Brothers Prop. Corp.*, 103 F. Supp. 3d 734, 737 (D.S.C. 2015) (citing *Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983)). Rather, “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.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 Advisory Committee’s note).

Thus, having reviewed the Report and finding no clear error, the court agrees with, and wholly adopts, the magistrate judge’s findings and recommendations in the Report (ECF No. 26), which is incorporated herein by reference. Accordingly, Plaintiff’s motion to dismiss and motion to transfer (ECF No. 18) are **DENIED**¹ and Plaintiff’s action is **DISMISSED without prejudice, without leave to amend, and without issuance and service of process.**

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
March 10, 2023

NOTICE OF RIGHT TO APPEAL

¹ To the extent the filing at docket entry 19 could be liberally construed as a motion for additional relief and not as merely a supplement to docket entry 18, the court denies such without prejudice as moot.

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.