

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

Dea'Shawn Harrison,

Plaintiff,

v.

L.C. Knight, Captain S.G. Branch, Major
Brown, and Nurse Hazel,

Defendants.

Case No. 9:23-584-RMG

ORDER

This matter is before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge, recommending the Court dismiss the case for failure to prosecute. (Dkt. No. 39). The Magistrate Judge issued two proper form orders to the Plaintiff and received no response. The Magistrate Judge received a return of an order indicating that Plaintiff had been “released” and no forwarding address was provided. Subsequently, Defendants moved to dismiss the case under Rule 41(b) for failure to prosecute. The Magistrate Judge issued an order advising Plaintiff of the dismissal procedures if he failed to respond to the motion. Plaintiff made no response to the motion. The Magistrate Judge then issued the R & R recommending the dismissal of the case for failure to prosecute and placing Plaintiff on notice of the consequences if objections to the R & R were not submitted within 14 days. No objections to the R & R have been filed.

I. Standard

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (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 Report 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).

II. Discussion

The Court finds that the Magistrate Judge ably set forth the factual and legal issues in this matter and correctly concluded that the case should be dismissed for a failure to prosecute.

III. Conclusion

For the reasons set forth above, the Court **ADOPTS** the R & R as the Order of the Court (Dkt. No. 39) and **DISMISSES** Plaintiff’s Complaint.

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

January 6, 2025
Charleston, South Carolina