

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

Henry O'Neal Dingle, Jr.,)	Case No.: 9:24-cv-00235-JD-MHC
)	
Plaintiff,)	
)	
vs.)	
)	ORDER AND OPINION
Warden John Palmer, Associate)	
Warden Thomas Robertson,)	
)	
Defendants.)	
_____)	

This matter is before the Court with the Report and Recommendation (“Report”) of United States Magistrate Judge Molly H. Cherry, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) of the District of South Carolina.¹ (DE 165.) Plaintiff Henry O’Neal Dingle, Jr. (“Plaintiff” or “Dingle”), proceeding pro se and in forma pauperis, brings this action against Defendants Warden John Palmer, Associate Warden Thomas Robertson (collectively “Defendants”), alleging violations of his constitutional rights, while detained at the McCormick Correctional Institution (MCI), pursuant to 42 U.S.C. § 1983.

The Report was issued on June 10, 2024, recommending that Plaintiff’s case be summarily dismissed. (DE 12.) Plaintiff did not file an objection to the Report. In the absence of objections to the Report and Recommendation, this Court is not

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).

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).

Accordingly, after a thorough review of the Report and Recommendation and the record in this case, the Court finds no clear error on the face of the record. Thus, the Court adopts the Report (DE 12) and incorporates it here by reference.

It is, therefore, ORDERED that Plaintiff’s case is dismissed without prejudice, without leave to amend, and without issuance and service of process.

IT IS SO ORDERED.

Joseph Dawson, III
United States District Judge

Florence, South Carolina
October 22, 2024

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order within thirty (30) days from this date under Rules 3 and 4 of the Federal Rules of Appellate Procedure.