

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

Patricio Gonzalez, #07198-030,)	Civil Action No. 8:16-3124-BHH
)	
Petitioner,)	
)	
v.)	
)	ORDER AND OPINION
The State of Texas,)	
)	
Respondent.)	
_____)	

Petitioner Patricio Gonzalez (“Petitioner”), proceeding pro se, brings this civil action pursuant to 28 U.S.C. § 2254. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina, this matter was referred to United States Magistrate Judge Jacquelyn D. Austin for pretrial handling. The matter is now before this Court for review of the Magistrate Judge’s Report and Recommendation (“Report”), which was issued on November 15, 2015. (ECF No. 201.) In her Report, the Magistrate Judge recommends that the case be transferred to the United States District Court for the Western District of Texas, Pecos Division. *Id.* at 6. On November 28, 2016, Petitioner filed a Response concurring with the Magistrate Judge’s recommendation to transfer this case to the Western District of Texas, Pecos Division. (ECF No. 22).

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. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a 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 to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). In the absence of timely filed objections, 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 & Acc. 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).

After a careful review of the record and the applicable law, the Court finds no clear error. Accordingly, the Court adopts and incorporates the Magistrate Judge’s Report (ECF No. 20) and transfers this action to the Western District of Texas, Pecos Division, for disposition.

/s/Bruce Howe Hendricks
United States District Judge

December 2, 2016
Greenville, 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.