

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

Benjamin Powell v. Scotty Bodiford

Powell v. Bodiford · No. 1:25-cv-12699-SAL · Decided December 5, 2025

SUMMARY

The United States District Court for the District of South Carolina adopted a magistrate judge's Report and Recommendation because the plaintiff filed no objections and the court found no clear error. The court dismissed the action without prejudice and without leave to amend for failure to satisfy pleading requirements and failure to state a claim.

OPINION

IN THE UNITED STATES DISTRICT COURT FOR DISTRICT OF SOUTH CAROLINA
Benjamin Powell, C/A No. 1:25-cv-12699-SAL Plaintiff, v. ORDER Scotty Bodiford, Defendant.
This matter is before the court on the Report and Recommendation (the "Report") issued by United States Magistrate Judge Shiva V. Hodges made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.).

The Report recommends this case be summarily dismissed for many reasons, including that it fails to meet the minimal pleading requirements and fails to state a claim on which relief may be granted. [ECF No. 13.] Attached to the Report was a notice advising Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so.

Id. at 10. Plaintiff has not filed objections, and the time for doing so has expired. 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 this court. See *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976).

The court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1).

In the absence of objections, the court is not required to provide an explanation for adopting the Report and 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) (citing Fed. R. Civ. P. 72 advisory committee's note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error and adopts the Report, ECF No. 13, and incorporates it by reference herein.

As a result, this matter is DISMISSED WITHOUT PREJUDICE AND WITHOUT LEAVE FOR FURTHER AMENDMENT. IT IS SO ORDERED. Sherr xX. December 5, 2025 Sherri A. Lydon
Columbia, South Carolina United States District Judge