

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

**Le’Andre Kajuan Richardson v. C.P.L. J. Gee (Jewelton Gee), Ofc. R.
Poston, and the Florence County Sheriff’s Office**

Richardson v. Gee · No. 5:24-6520-BHH · Decided January 5, 2026

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA
Le’Andre Kajuan Richardson, #33557,)) Plaintiff,)) Civil Action No. 5:24-6520-BHH v.))
C.P.L. J. Gee (Jewelton Gee),) ORDER Ofc. R. Poston, and the Florence) County Sheriff’s
Office,)) Defendants.) _____) This matter is before the Court
for review of the Report and Recommendation (“Report”) of United States Magistrate Judge
Kaymani D. West, which was made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule
73.02 for the District of South Carolina.

In her Report, which was filed on December 1, 2025, the Magistrate Judge noted that Plaintiff had failed to respond to Defendants’ motion for summary judgment and had failed to comply with the Court’s instructions. (ECF No. 67.)

As a result, the Magistrate Judge recommends that the Court dismiss this case with prejudice for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (Id.) Attached to the Report was a notice advising the parties of the right to file written objections to the Report within fourteen days of receiving a copy. (Id. at 10.)

On December 29, 2025, the Magistrate Judge’s Report was returned to the Court as undeliverable and marked return to sender. (ECF No. 69.) 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 may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objections are made.

In the absence of specific objections, however, the Court reviews the matter only 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). At this time, it appears that Plaintiff has failed to keep the Court advised of a change of address, and Plaintiff has not filed any objections to the Report. Because no objections have been filed, the Court has reviewed the Magistrate Judge’s findings and recommendations for clear error. Finding none, the Court agrees with the Magistrate Judge for the reasons set forth in her Report, that this action against Defendants should be dismissed with prejudice for failure to prosecute, pursuant to Rule 41(b).

Accordingly, the Court adopts the Magistrate Judge’s Report (ECF No. 67) and incorporates it herein, and the Court dismisses this action with prejudice. IT IS SO ORDERED. /s/Bruce H. Hendricks United States District Judge January 5, 2026 Charleston, South Carolina 2