

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

Casper Franklin Brown,)	
)	
Petitioner,)	
)	
vs.)	Civil Action No. 1:13-1815-MGL-SVH
)	
S. Mora, Warden,)	
)	
Respondent.)	
_____)	

ORDER

Petitioner Casper Franklin Brown, (“Petitioner”), brought this civil action, *pro se*, as a habeas corpus petition pursuant to 28 U.S.C. § 2241 on July 2, 2013. (Doc. # 1).

The matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed on July 25, 2013 by United States Magistrate Judge Shiva V. Hodges, to whom this case had previously been assigned. In the Report, the Magistrate Judge recommends that the petition be dismissed without prejudice, pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (D.S.C.). (Doc. # 9). Objections to the Report were due on August 12, 2013. Petitioner has filed no Objections to the Report.¹

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge,

¹ Petitioner did file a Notice of Appeal on August 8, 2013 following the issuance of the Report but prior to any Order entered by this Court. (Doc. # 11). Petitioner’s appeal was subsequently dismissed by the Court of Appeals for the Fourth Circuit on November 12, 2013 on grounds of failure to prosecute. (Doc. # 21). Petitioner has never registered any specific objection to the analysis set out by the Magistrate Judge in any document filed with this Court. Indeed, even Petitioner’s Notice of Appeal was non-specific as to the grounds of the appeal.

this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. # 9). The Petitioner's § 2241 habeas corpus petition is **DISMISSED** *without prejudice*.

The Court has reviewed this petition in accordance with Rule 11 of the Rules Governing Section 2254 Proceedings which can be applied to Section 2241 actions through Rule 1(b). The Court concludes that it is not appropriate to issue a certificate of appealability as to the issues raised herein. Petitioner is advised that he may seek a certificate from the Fourth Circuit Court of Appeals under Rule 22 of the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.

November 26, 2013
Florence, South Carolina

s/Mary G. Lewis
United States District Judge