

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

Eric Wade Hempel,)
)
 Plaintiff,)
)
 vs.)
)
 Georgetown County Detention Center,)
)
 Defendant.)
 _____)

Case No.: 1:24-cv-00327-JD-SVH

ORDER AND OPINION

This matter is before the Court with the Report and Recommendation (“Report”) of 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) of the District of South Carolina.¹ (DE 11.) Plaintiff Eric Wade Hempel (“Plaintiff” or “Hempel”), proceeding *pro se* and *in forma pauperis*, sued Defendant Georgetown County Detention Center (“Defendant” or “GCDC”), alleging a violation of his constitutional rights. (DE 1.) Plaintiff alleges he slipped and fell backward on a water puddle coming from a maintenance closet, “striking [his] head and cutting it open.” (DE 1, pp. 5, 14.) Plaintiff states he was taken to the emergency room, where he received a CT scan of his head and neck but was “denied” stitches or staples, and his head and neck were sore for a week following the incident. (DE 1, p. 6.) Plaintiff requests \$25,000 and that his hospital bills be paid. (*Id.*)

On February 1, 2024, the Court issued orders (1) directing Plaintiff to submit documents necessary to bring this case into proper form and (2) advising Plaintiff of the deficiencies of his

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).

complaint and permitting him until February 22, 2024, to file an amended complaint. (DE 6 and 7.) Plaintiff has filed no responses.

The Report was issued on February 26, 2024, recommending the Complaint be dismissed without further leave for amendment. Plaintiff did not file an objection to the Report. In the absence of objections to the Report and Recommendation, 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 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 11) and incorporates it here by reference.

It is, therefore, **ORDERED** that Plaintiff’s Complaint is dismissed without further leave for amendment.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph Dawson, III". The signature is written in a cursive style with a large, looped initial "J".

Joseph Dawson, III
United States District Judge

Florence, South Carolina
May 2, 2024

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has 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.