

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

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|---|---|-----------------------------------|
| Curtis Q. Owens, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Civil Action No. 0:10-749-TLW-PJG |
| |) | |
| Dr. N.F.N. Allewein; Nurse N.F.N. D. Cooke; |) | |
| CNA Luanne Mungo; Dr. Richard Bearden; |) | |
| Nurse Linda Worthy; Nurse Barbara Moore, |) | |
| each in their personal individual capacity, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

ORDER

Curtis Q. Owens, (“plaintiff”), brought this civil action, *pro se*, pursuant to 42 U.S.C. § 1983. This matter now comes before this Court for review of the Report and Recommendations (“the Report”) filed by United States Magistrate Judge Paige J. Gossett, to whom this case had previously been assigned. In the Report, the Magistrate Judge recommends that the complaint be dismissed with prejudice for lack of prosecution. (Doc. # 35). The plaintiff filed objections to the report. (Doc. # 37). In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Docs. # 35). Therefore, for the reasons articulated by the Magistrate Judge, this action is **DISMISSED** with prejudice for lack of prosecution. This Court also notes that the complaint does not state a cause of action. The complaint is rambling, argumentative, and accusatory. Again, it does not assert a clear, specific cause of action and denial is appropriate. See Ashcroft v. Iqbal, 129 S.Ct. 1937, 1949 (2009) (citing Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)).

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

November 10, 2010
Florence, South Carolina