

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

Darwin Thomas Sims,	)	C/A NO. 3:10-2216-CMC-PJG
	)	
Plaintiff,	)	
	)	<b>OPINION and ORDER</b>
v.	)	
	)	
Officer Josh Snyder, Columbia Police Dep't;	)	
Columbia City Police Department; Palmetto	)	
Richland Hospital; Ms. Pam Caldwell,	)	
ASGDC Medical; and Ms. Nurse Chisholm,	)	
ASGDC Medical,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the court on Plaintiff's *pro se* complaint, filed in this court pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings and a Report and Recommendation ("Report"). On August 12, 2011, the Magistrate Judge issued a Report recommending that the motions for summary judgment filed by Defendants be granted and this matter dismissed with prejudice. The Magistrate Judge also recommended dismissal without prejudice of any state law claims, and that the motion to dismiss or to impose sanctions filed by Officer Josh Snyder be dismissed as moot. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff filed objections to the Report on August 18, 2011.

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 the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a 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 to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After considering the record, the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiff's objections, the court agrees with the Report and its conclusions. Therefore, the court adopts and incorporates the Report by reference in this order.

Plaintiff objects to the Report's conclusions, contending, *inter alia*, that certain defendants "lied." Obj. at 1, 2. These and other conclusory assertions contained in Plaintiff's objections fail to overcome the legal and factual findings in the Report.

Therefore, Defendants' motions for summary judgment are **granted** as to Plaintiff's federal claims.

To the extent Plaintiff's complaint can be construed as asserting state law claims, the court declines to exercise supplemental jurisdiction over these matters and they are dismissed without prejudice. *See* 28 U.S.C. § 1367(c).

The motion of Defendants' Snyder and Columbia City Police Department to dismiss or to impose sanctions, to compel discovery and/or for abstention (Dkt. #35, filed Jan. 7, 2011), is **moot**.

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie \_\_\_\_\_  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
August 25, 2011