



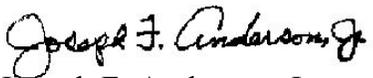
The Magistrate Judge properly suggests that the sole defendant, Fairfield County Sheriff's Department, is immune from suit under the Eleventh Amendment to the United States Constitution, and thus this court is without jurisdiction to hear this case. The Magistrate Judge also opines that the statute of limitations period applicable to this § 1983 action is three years under South Carolina law. The actions upon which plaintiff complains took place in August 2007, thus the statute of limitations period would have expired in August 2010. The plaintiff did not file his complaint in this action until February 7, 2011, as amended on March 16, 2011. Furthermore, the plaintiff provides no explanation of why his complaint should be considered timely.

In his objections to the Report, the plaintiff provides a general objection to immunity from a law suit stating that "the Eleventh Amendment to the United States Constitution ratification was rejected by the Supreme Court and never signed by the President." He also objects to South Carolina's three-year statute of limitations. These objections are overruled.

After a careful review of the record, the applicable law, the Report and Recommendation, and the plaintiff's objections thereto, the court finds the Magistrate Judge's recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

April 21, 2011  
Columbia, South Carolina

  
Joseph F. Anderson, Jr.  
United States District Judge