

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Terrance Griffin, #327735,)	C/A NO. 0:12-212-CMC-PJG
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
)	
South Carolina Department of Corrections;)	
Ann Hallman; Wayne McCabe; James)	
Blackwell; Grealin Frazier; Vera Jenkins;)	
and Amanda Albright,)	
)	
Defendants.)	
_____)	

This matter is before the court on Plaintiffs' *pro se* complaint which raises claims pursuant to 42 U.S.C. § 1983. This matter was removed to this court by Defendants pursuant to 28 U.S.C. § 1441(c).

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 April 11, 2012, the Magistrate Judge issued a Report conditionally recommending that this matter be remanded to the Dorchester County Court of Common Pleas. The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. Plaintiff filed a response to the Report on April 18, 2012.

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 conducting a *de novo* review as to Plaintiff's response to the Report, and considering the record, the applicable law, the Report and Recommendation of the Magistrate Judge and Plaintiff's response, the court agrees with the Magistrate Judge's assessment of this matter. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order.

In his response, Plaintiff "unequivocally remove[s] any federal claims from his pleadings and hereby requests the court to exercise its discretion to remand his state law claims back" to the Dorchester County Court of Common Pleas.

Therefore, to the extent Plaintiff's complaint contains a federal cause of action, Plaintiff's motion to amend (ECF No. 15) is granted and any federal claims are dismissed with prejudice pursuant to Plaintiff's Reply filed April 18, 2012.

The court declines to exercise supplemental jurisdiction over any remaining state law causes of action, grants Plaintiff's motion to remand (ECF No. 16), and this matter is remanded to the Dorchester County Court of Common Pleas.¹

¹There are four pending motions at this time which are dismissed without prejudice: Plaintiff's motion "to obtain affidavit" (ECF No. 19), "to address interference in a civil proceeding" (ECF No. 28), Defendants' motion to stay dispositive motions deadline (ECF No. 31), and Plaintiff's motion to compel (ECF No. 33).

IT IS SO ORDERED.

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

Columbia, South Carolina
May 9, 2012