

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

John K. Massey, Jr.,)
)
Plaintiff,)
)
vs.)
)
J.R. Branham; York County; NE Schifferle;)
and B. Schettler;)
)
Defendants.)
_____)

Case No. 0:14-cv-01876-TLW

ORDER

Plaintiff John K. Massey, Jr., proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. ECF No. 1. Defendants filed a Motion for Summary Judgment on April 29, 2016. ECF No. 120. Plaintiff filed a Response, ECF No. 126, and Defendants filed a Reply, ECF No. 133. This matter is now before the Court for review of the Report and Recommendation (“the Report”) filed on January 11, 2017 by United States Magistrate Judge Shiva V. Hodges, to whom this case was assigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(f), (D.S.C.). In the Report, the Magistrate Judge recommends granting summary judgment and dismissing the case. ECF No. 134. Plaintiff filed Objections to the Report on January 25, 2017. ECF No. 136. This matter is now ripe for decision.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. 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 carefully reviewed the Report, the Plaintiff's objections, and relevant filings and concludes that the Magistrate Judge set forth specific facts and carefully analyzed the applicable law. This Court accepts the factual and legal analysis by the Magistrate Judge in the Report over Plaintiff's objections. It is therefore **ORDERED** that the Plaintiff's Objections, ECF No. 136, are **OVERRULED**. The Magistrate Judge's Report and Recommendation, ECF No. 134, is hereby **ACCEPTED**, and, for the reasons articulated by the Magistrate Judge, Defendants' motion for summary judgment, ECF No. 120, is **GRANTED**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Chief United States District Judge

February 27, 2017
Columbia, South Carolina