

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

Reginald Evans,

Plaintiff,

v.

York County, Inc. and Rock Hill, Inc.,

Defendants.

C/A No. 0:15-4954-JFA

ORDER

Reginald Evans (“Plaintiff”), proceeding pro se and in forma pauperis, filed an amended complaint against York County, Inc. and Rock Hill, Inc. (collectively “Defendants”), alleging a violation of his constitutional rights.

The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”) and opines that this Court should dismiss this amended complaint without prejudice and without issuance and service of process pursuant to 28 U.S.C. § 1915 (e)(2)(B). (ECF No. 43). The Report sets forth in detail the relevant facts and standards of law on this matter, and this court incorporates those facts and standards without a recitation.

Plaintiff was advised of his right to object to the Report, which was entered on the docket on December 29, 2016. Plaintiff filed a response to the report on January 18, 2017. (ECF No. 45). The court is charged with making a de novo determination of those portions of the Report to which

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(g) (D.S.C.). 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. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1).

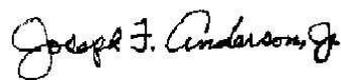
specific objections are made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1). However, a district court is only required to conduct a de novo review of the specific portions of the Magistrate Judge's Report to which an objection is made. See 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); Carniewski v. W. Virginia Bd. of Prob. & Parole, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Report of the Magistrate, this Court is not required to give an explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Plaintiff's sole objection is "[t]he Amended complaint did contain sufficient factual matter the court should be accepted as true until defendants can prove otherwise." (ECF No. 45)(errors in original). This objection is without merit. The Magistrate Judge correctly applied the liberal construction standard required in pro se cases when analyzing the claims set forth in the amended complaint. (ECF No. 43 p. 3-6). Accordingly, the Magistrate Judge properly concluded that the amended complaint "fails to identify the actions specifically taken by each of the Defendants." (ECF No. 43 p. 3). Therefore, the amended complaint must be dismissed.

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court **ADOPTS** the Report and Recommendation (ECF No. 43). Plaintiff's case is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

February 2, 2017
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge