

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

Travis Gathers, #1505721,

Civil Action No. 0:18-cv-711-CMC

Plaintiff,

vs.

ORDER

Ryan Thomas, Individually; Luke Boiling¹,
Individually; and Daniel Popov, Individually,

Defendants.

This matter is before the court on Plaintiff's *pro se* Complaint pursuant to 42 U.S.C. § 1983. ECF No. 1. On June 15, 2018, Plaintiff filed a motion to voluntarily dismiss the case without prejudice because he is detained in the York County Detention Center and unable to access legal materials or the legal library. ECF No. 17. The Magistrate Judge entered a text order on June 18, 2018, which reads as follows:

TEXT ORDER: Plaintiff seeks to voluntarily dismiss his case because he does not have access to a law library. Detention centers are not required to have law libraries, as detention centers are usually shorter-term facilities and detainees are typically represented by counsel. *See Magee v. Waters*, 810 F.2d 451, 452 (4th Cir.1987). Plaintiff's claims appear to be related to the charges on which he is detained and if so, his claims could be addressed in his state case. The undersigned also notes that "[w]hen an action is dismissed without prejudice, the statute of limitations will bar another suit if the statute has run in the interim." *Davis v. Lunceford*, 335 S.E.2d 798 (1985). Defendants are directed to advised [sic] whether they consent to Plaintiff's motion to voluntarily dismiss his case without prejudice. Additionally, Plaintiff is directed to advise the court by June 29, 2018, whether he persists in his motion. Signed by Magistrate Judge Shiva V Hodges on 6/18/2018.

¹ The court notes this Defendant's name is properly spelling "Boling" per his Answer. ECF No. 14. However, no motion to correct the caption has been filed.

Based on this text order, Defendants filed a response in support of voluntary dismissal without prejudice. ECF No. 20. Plaintiff filed a reply on July 2, 2018, advising of his desire to persist in his motion to voluntarily dismiss this action without prejudice. ECF No. 21.

As Defendants consent to Plaintiff's motion, and Plaintiff has been warned the statute of limitations applicable to this action may work to bar refiling of his case if it expires before he files another action, but still wishes to pursue dismissal, the court grants the motion. This matter is dismissed without prejudice.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
July 3, 2018