

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

T. Terrell Bryan, aka Terence Bryan, aka)
Terence Terrell Bryan)

C.A. No. 1:08-3556-TLW

Plaintiff,)

vs.)

ORDER

IGC Cocciolone, Ofc. Buehler, Mr. Najjar,)
Asst. Warden Claytor, Warden McCall,)
D. Tatarsky, M. Carolina Lindsey, and)
James Simmons, III,)

Defendants.)

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Shiva V. Hodges to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In her Report, Magistrate Judge Hodges Rogers recommends that defendants’ motion for summary judgment (Doc. # 148) be granted. (Doc. # 228). Additionally, the Report notes that if this recommendation is accepted, then the remaining motions will be rendered moot. Plaintiff has filed objections to the Report. (Doc. # 230).

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 this standard, the Court has reviewed, de novo, the Report and the objections thereto. The Court accepts the Report

THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 228); plaintiff's objections are **OVERRULED** (Doc. # 230); and defendants' motion for summary judgment (Doc. # 148) is **GRANTED**. In light of this ruling, the remaining motions are now **MOOT**.

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

February 3, 2011
Florence, South Carolina