

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

Akeem Alim-Nafis Abdullah-Malik,)
)
Plaintiff,)

Civil Action No.: 1:14-cv-109-RBH

v.)

ORDER

Bruce M. Bryant, Sheriff; James F.)
Arwood, Jail Administrator; Richard)
L. Martin, Jr., Assistant Jail)
Administrator; Gary L. Davis,)
Security Commander; All Listed and)
Unknown Agents; Cheryl Cuzman,)
Administrative Lieutenant; Randy)
Guidery, Classification/ICE 287g;)
John C. Hicks, Internal Affairs;)
Tammy M. Dover, RN Medical)
Services Coordinator; Sandie)
Stervul, Dietitian Trinity Food)
Services Oldsmar, Florida)
Contracted thru York County)
Detention Facility; JT Strait,)
Detention Officer Sergeant; Penland,)
Detention Officer; Robinson,)
Detention Officer; Yochem,)
Detention Officer; McMahan,)
Detention Officer; Reynolds,)
Detention Officer; Wendy)
Plemmons; MA Gurdy; York County)
Sheriff's Office; York County)
Detention Center; and Sgt.)
McMillian,)
)
Defendants.)

Plaintiff Akeem Alim-Nafis Abdullah-Malik ("Plaintiff"), proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983 against the above named Defendants on January 14, 2014. *See* Compl., ECF No. 1. The matter is before the Court for review of the Report and Recommendation ("R & R") of United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C.

§ 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. *See* R & R, ECF No. 79. In the Report and Recommendation, the Magistrate Judge recommends the Court dismiss the second amended complaint without prejudice and without service of process with regard to the following Defendants: All Listed and Unknown Agents; Cuzman; Guidery; Hicks; Dover; JT Strait; Penland; Robinson; Yochem; McMahan; Reynolds; Plemmons; MA Gurdry; York County Sheriff's Office; York County Detention Center; and McMillian. *See id.* at 11.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (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 with instructions. *See* 28 U.S.C. § 636(b)(1).

No party has filed objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendations. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated

by reference. Therefore, it is **ORDERED** that Plaintiff's second amended complaint is **DISMISSED** *without prejudice* and without service of process as to Defendants All Listed and Unknown Agents; Cuzman; Guidery; Hicks; Dover; JT Strait; Penland; Robinson; Yochem; McMahan; Reynolds; Plemmons; MA Gurdry; York County Sheriff's Office; York County Detention Center; and McMillian.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
September 25, 2014