

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

Mildenzel Malcom Davis,

Plaintiff,

vs.

Director Kenny Boome; Maj. Norris;
Cpt. Brunson; and Lt. Browne,

Defendants.

C/A No.: 1:14-722-TLW-SVH

ORDER

This is a civil action filed by a local prisoner. Therefore, in the event that a limitations issue arises, Plaintiff shall have the benefit of the holding in *Houston v. Lack*, 487 U.S. 266 (1988) (prisoner's pleading was filed at the moment of delivery to prison authorities for forwarding to District Court). Under Local Civil Rule 73.02(B)(2)(d) (D.S.C.), pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

On March 24, 2014, the court allowed Plaintiff an opportunity to provide the service documents necessary to bring this case into proper form. [Entry #8]. Plaintiff complied with the order and this case is now in proper form.

Plaintiff has filed a motion for a hearing in his case. [Entry #11]. As the case has not yet been served and a Report and Recommendation has issued recommending the case be summarily dismissed, Plaintiff's motion is denied as premature.

TO THE CLERK OF COURT:

This case is subject to summary dismissal based on an initial screening conducted pursuant to 28 U.S.C. §1915 and/or 28 U.S.C. § 1915A. Therefore, the Clerk of Court shall not issue the summons or forward this matter to the United States Marshal for service of process at this time.

IT IS SO ORDERED.



April 24, 2014
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge