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

Kelvin Sharod Addison, #309917,

Plaintiff,

v.

Investigator Danny Catoe,

Defendant.

Civil Action No. 1:15-572

ORDER

This matter is before the Court upon the Plaintiff's pro se complaint against Investigator Danny Catoe. In his complaint, the Plaintiff alleges various claims stemming from Catoe's investigation of an incident that allegedly occurred on August 22, 2013, at the Kershaw Correctional Institution, as a result of which the Plaintiff was charged with throwing bodily fluids on a correctional employee. In accordance with Local Civil Rule 73.2(B)(2)(d) for the District of South Carolina and 28 U.S.C. § 636(b)(1)(A), the matter was referred to a United States Magistrate Judge for preliminary determinations. On February 27, 2015, Magistrate Judge Shiva V. Hodges issued a report and recommendation ("R&R") outlining the issues and recommending that the Court dismiss this case without prejudice and without issuance and service of process.

In the R&R, the Magistrate Judge determined that the Plaintiff failed to allege sufficient facts to state a constitutional claim pursuant to 42 U.S.C. § 1983, noting that the complaint contains no allegation that the Defendant acted intentionally or with a reckless disregard for the truth in conducting his investigation. The Plaintiff filed objections to the R&R along with a number of supplemental documents, including investigation reports. He also filed a motion for transcripts, asking this Court to recommend that the Lancaster

Magistrate send certain transcripts to the Plaintiff.

After a thorough review of the record, the Court finds that the documents filed by the Plaintiff do not point to any factual or legal error in the R&R. Moreover, the Court finds that the documents do not indicate that the Plaintiff's claims are of constitutional magnitude. Accordingly, the Court agrees with the Magistrate Judge that this case is subject to dismissal. Additionally, because the Plaintiff does not allege any other basis for the Court's jurisdiction, the Court thus lacks jurisdiction to consider the Plaintiff's state law claims. Based on the foregoing, it is hereby

ORDERED that the R&R (Entry 10) is adopted and incorporated; the Plaintiff's objections (Entries 12 and 13) are overruled; the Plaintiff's motion for transcripts (Entry 14) is denied; and this case is dismissed without prejudice and without issuance and service of process.

AND IT IS SO ORDERED.

Sol Blatt, Jr.
Senior United States District Judge

May 14, 2015
Charleston, South Carolina

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