

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

Anthony James, #310987,)
Plaintiff,) Civil Action No. 1:15-1716-TMC
vs.)
Scarlet Wilson and Alan Wilson,)
Defendants.)

)

ORDER

Plaintiff, proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that the court dismiss Plaintiff's complaint without prejudice and without issuance and service of process. (ECF No. 8). Plaintiff was advised of his right to file objections to the Report. (ECF No. 8 at 7). Plaintiff has filed objections to the Report. (ECF No. 11).

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a 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." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

Plaintiff claims that his case is not subject to summary dismissal because his case is brought pursuant to the First, Fifth, and Fourteenth Amendments of the United States Constitution. (ECF No. 11). As the magistrate judge properly addressed, Defendants are entitled to absolute immunity for their roles in representing the State in Plaintiff's state post-conviction relief case. *See Rice v. Nat'l Sec. Council*, 244 F. Supp. 2d 594, 602 (D.S.C. 2001); *see also Crane v. Harvin*, No. C/A 3:10-2752, 2010 WL 5128356, at *2 (D.S.C. Nov. 17, 2010) (stating that absolute immunity includes protection against requests for injunctive relief). Thus, the court finds that, notwithstanding the assertion of constitutional violations in Plaintiff's objections, this case is subject to summary dismissal.

After a thorough review of the Report and the record in this case, the court adopts the magistrate judge's Report (ECF No. 8) and incorporates it herein. It is therefore **ORDERED** that Plaintiff's complaint is **DISMISSED** without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/Timothy M. Cain

Timothy M. Cain

United States District Judge

July 7, 2015
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.