

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

Antwan D. Grayson,)
)
 Plaintiff,)
)
 vs.)
)
 SCDOC Ronnie Williams, Mr. Hunter)
 Peterson, Mrs. Dr. Torrez, and Mrs. Shiver,)
)
 Defendants.)
)
 _____)

Case No.: 1:22-cv-2029-JD-SVH

ORDER AND OPINION

This matter is before the Court with the Report and Recommendation (“Report”) of United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(e) of the District of South Carolina.¹ (DE 93.) Plaintiff Claude Antwan D. Grayson (“Plaintiff” or “Grayson”), proceeding *pro se* and *in forma pauperis*, brought this action pursuant to 42 U.S.C. § 1983 claiming employees at Broad River Correctional Institution (“BRCI”), did not keep him safe from other inmates, leading to an assault. (DE 1.)

On December 21, 2022, defendants Ronnie Williams and Hunter Peterson (collectively “Defendants”) filed a Motion to Dismiss Plaintiff’s Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(6). (DE 83, p. 1.) Pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the Court advised Plaintiff of the summary judgment and dismissal procedures and the possible consequences if he failed to respond adequately to the motion. (DE 88.) The Plaintiff

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District 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. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).


has not filed a response to Defendants' Motion to Dismiss. On February 2, 2023, a Report was issued recommending Defendants' Motion to Dismiss be denied. (DE 93.)

Plaintiff or Defendants have not filed an objection to the Report. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court 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).

Accordingly, after a thorough review of the Report and Recommendation and the record in this case, the Court adopts the Report (DE 93) and incorporates it herein.

It is, therefore, **ORDERED** that Defendants' Motion to Dismiss (DE 83) is denied.

IT IS SO ORDERED.



Joseph Dawson, III
United States District Judge

Florence, South Carolina
April 28, 2023

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.