

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

Cornelius Winfield Walker)
)
 Plaintiff,)
)
 vs.)
)
 Sheriff Carter Weaver; Lt. Shirley Anderson;))
 Director Neil Johnson; Lt. Brittany Keefner;))
 and City of Georgetown,)
)
 Defendants.)
)

Case No.: 1:23-cv-1704-JD-SVH

ORDER AND OPINION

This matter is before the Court with the Report and Recommendation (“Report and Recommendation” or “Report”) of United States Magistrate Kaymani D. West, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(e) of the District of South Carolina.¹ (DE 13.) Plaintiff Cornelius Winfield Walker (“Plaintiff” or “Walker”), proceeding *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights while incarcerated at Georgetown County Detention Center (“GCDC”), generally alleging “Georgetown Detention Center was not and still is not in compliance with holding Federal pretrial detainees” purportedly because of “lockdown for 20 hours a day, pain in upper back, dryness of skin due to roughness of water, lack of cleanness of shower, rust in every cell, and mold in upper corner of the room in cell and outside of shower.” (DE 1, p. 5, 6.)

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).

On May 15, 2023, the Court issued orders 1) directing Plaintiff to submit documents necessary to bring this case into proper form and 2) identifying the deficiencies in Plaintiff's Complaint and permitting him an opportunity to amend. (DE 4, 5.) On June 1, 2023, Plaintiff submitted an amended complaint. (DE 7.) Plaintiff's Amended Complaint alleges he had a seizure and no officer responded to help, despite his cellmate pressing the emergency button. (DE 7, p. 6.) He also alleges rust fell in his tray from scraping the flap and he was not provided another. Id. He claims that he fell off his bunk, causing back and head injuries for which he has not received an x-ray. Id. He also complains the shower water is rough, causing dry skin. Id. He states that defendants Spartanburg County Detention Center, Chuck Wright, Spartanburg County Sheriff, and Spartanburg County (collectively "Defendants") "all acted under the law by knowing that GCDC was not and [is] still not stable and in compliance with holding federal pretrial detainees." (DE 7, p. 7.)

The Report and Recommendation was issued on June 20, 2023, recommending Plaintiff's case be summarily dismissed because the Complaint contains no factual allegations against Defendants other than generally alleging that they know of the conditions about which he complains. Further, Plaintiff has not alleged sufficient facts allowing the Court to find any individual is potentially liable to him. To the extent Plaintiff has sued Defendants in their supervisory capacities, he has failed to state a claim under 42 U.S.C. § 1983. (DE 13.) Plaintiff has 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 finds that there is no clear error on the face of the record, and therefore, adopts the Report (DE 13) and incorporates it herein.

It is, therefore, **ORDERED** that Plaintiff's case is summarily dismissed.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph Dawson, III". The signature is written in a cursive style with a large initial "J" and a distinct "III" at the end.

Joseph Dawson, III
United States District Judge

Florence, South Carolina
August 4, 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.