

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

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Curtis Q. Owens, #184674,

Plaintiff,

vs.

Henery [sic] McMaster, Atty Gen, et. al,

Defendants.

DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON, SC

Civil Action No.: 2:09-cv-00192-TLW-RSC

ORDER

The plaintiff, Curtis Q. Owens (“plaintiff”), proceeding *pro se*, filed this civil action pursuant to 42 U.S.C. § 1983. (Doc. #1). The defendants filed a motion for summary judgment on August 26, 2009. (Doc. #97). The plaintiff filed a response in opposition to the motion for summary judgment on September 14, 2009. (Doc. #105). The defendants filed a reply on September 24, 2009. (Doc. #108). The plaintiff filed an additional response on September 29, 2009. (Doc. #109). The case has been referred to Magistrate Judge Robert S. Carr pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2)(d), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. #122). In the Report, the Magistrate Judge recommends that the District Court grant the defendants’ motion for summary judgment; that the action be denominated a strike within the meaning of the PLRA; and that all outstanding motions be denied as moot. (Doc. #122). The plaintiff filed objections to the report, (Doc. #127), as well as a “Special Motion and Pleading to the Bench” in support of the objections to the Report and Recommendations. (Doc. #128). The plaintiff also filed

a motion for a hearing, (Doc. #130), and a motion for an extension of time to complete discovery. (Doc. #131). The defendants responded to each of these motions. (Doc. #132, Doc. #133). The plaintiff then filed a "Response" in reply to the defendants' responses. (Doc. #134). The plaintiff then filed a "Special Pleading: Bench Letter And Motion For - ad inde ad infinitum ad informandum judicem & pro se ad inquirendum's. Pro Se is ab agendo." (Doc. #135). The defendants filed a response to this motion on February 15, 2010. (Doc. #136).

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Doc. #122). For the reasons articulated by the Magistrate Judge, the defendants' motion for summary judgment, (Doc. #97), is hereby **GRANTED**; this action is hereby denominated as a strike within the meaning of the PLRA; and all outstanding motions, including those filed after the issuance of the Magistrate Judge's Report, are hereby **DENIED** as **MOOT**.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

February 19, 2010
Florence, South Carolina