

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

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DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON, SC

Terrence Bennett, #270610,)	
)	C/A No. 2:10-0762-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
Georgetown County Detention Center,)	
Mr. Baker, Mr. Pierson, Director Lane)	
Cribb, Major Martin, Captain Ms.)	
Wineglass,)	
)	
Defendants.)	
)	

Plaintiff Terrence Bennett is an inmate in custody of the South Carolina Department of Corrections. Plaintiff, proceeding pro se, filed a complaint on March 25, 2010. At the time of the underlying complaint, Plaintiff was a pretrial detainee housed at the Georgetown County Detention Center. Plaintiff asserts that Defendants violated his constitutional rights in various respects. Plaintiff brings this action pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Robert S. Carr for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915, 1915A, and the Prison Litigation Reform Act. On April 8, 2010, the Magistrate Judge filed a Report and Recommendation in which he determined that Defendant Georgetown County Detention Center, as a group of buildings or a facility, is not a "person" subject to suit under § 1983. Accordingly, the Magistrate Judge recommended that Defendant Georgetown County Detention Center be summarily dismissed. Plaintiff filed objections to the Report and Recommendation on April 19, 2010.

The Magistrate Judge makes only a recommendation to this court. The recommendation has

no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Plaintiff contends that the Georgetown County Detention Center is insured by the state government and therefore is subject to providing coverage for his alleged damages. However, as the Magistrate Judge properly noted, a § 1983 claim must be brought against a “person” and not an inanimate object. Plaintiff’s objection is without merit.

The court has thoroughly reviewed the record and Report and Recommendation. The court adopts the Report and Recommendation and incorporates it herein by reference. Plaintiff’s § 1983 complaint is summarily dismissed as to Defendant Georgetown County Detention Center without prejudice and without issuance and service of process. The within matter is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

June 9, 2010.