

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

Michael Singleton, # 344630, )  
f.k.a Michael A. Singleton # 1081861, f/k/a )  
Michael A. Singleton # 63483, a/k/a Justice )

C/A No.: 2:11-676-TLW-BHH

Plaintiff, )

vs. )

ORDER

Warden Bernard McKie a/k/a Warden Mackey; )  
Mr. William Byers; Ms. Lighsner; Mr. D. Wesley; )  
and Dr. John Doe, )

Defendants. )  
\_\_\_\_\_ )

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Bruce H. Hendricks, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In her Report, Magistrate Judge Hendricks recommends that the Defendant’s motion for summary judgment be granted (Doc. # 43) and that Plaintiff’s “motion for summary judgment and request for discovery” be denied (Doc. # 49). It is further recommended that Defendants Mr. William Byers, Ms. Lighsner, Mr. D. Wesley, and Dr. John Doe be dismissed without prejudice, and that this case be closed. (Doc. # 83). The Report was filed on March 9, 2012. Plaintiff filed objections to the Report on March 23, 2012.

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 this standard, the Court has reviewed, de novo, the Report and the objections thereto. The Court accepts the Report.

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 83); Plaintiff's objections are **OVERRULED** (Doc. # 85); Defendant's motion for summary judgment is **GRANTED** (Doc. # 43); and Plaintiff's "motion for summary judgment and request for discovery" is **DENIED**. (Doc. # 49). Defendants Mr. William Byers, Ms. Lighsner, Mr. D. Wesley, and Dr. John Doe are **DISMISSED** without prejudice, and this case is to be closed.<sup>1</sup>

**IT IS SO ORDERED.**

s/ Terry L. Wooten \_\_\_\_\_

**TERRY L. WOOTEN**

**UNITED STATES DISTRICT JUDGE**

March 29, 2012

Florence, South Carolina

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<sup>1</sup>As noted in the Report, these four additional Defendants appear on the docket. However, in light of Magistrate Judge Hendricks' ruling on the Motion to Amend/Correct Complaint (see Docs. # 35 & #36), and the undersigned's Order of October 24, 2011 (Doc. #47), the Court determines that, as recommended, these four Defendants should be dismissed at this time, without prejudice.