

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

Derrick LaSahawn Anderson )  
a/ka Derrick L. Anderson )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Ofc. Sewell and Ofc Lasley, )  
 )  
 )  
Defendants. )  
\_\_\_\_\_)

Civil Action No. 2:11-2686-MGL

**Opinion and Order**

Plaintiff Derrick Lashawn Anderson, an inmate in custody of the South Carolina Department of Corrections, brings this action pursuant to 42 U.S.C. § 1983 alleging his constitutional rights have been violated. (ECF No. 1.) Specifically, Plaintiff alleges that he was subjected to “excessive force and cruel and unusual punishment.” (Id. at 2, 5 of 5.) Defendants deny Plaintiff’s allegations and move for summary judgment.

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 Bruce Howe Hendricks 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 August 14, 2012, the Magistrate Judge filed a Report and Recommendation in which she recommended granting Defendants’ motion for summary judgment.. The Magistrate Judge noted “the undisputed evidence in the case *sub judice* reveals that Defendants applied the force in a good faith effort to restore discipline.” *See Wilkins v. Gaddy*, 130 S.Ct 1175. 1178 (2010). Accordingly, the Magistrate Judge recommended that Defendants’ motion for summary judgment be granted. Nether party objected to the Report and Recommendation.

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, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead 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).

The court has thoroughly reviewed the record. The court concurs with the Magistrate Judge's recommendation and incorporates the Report and Recommendation herein. Defendants' motion for Summary Judgement is **GRANTED**. Plaintiff's complaint is hereby **DISMISSED**.

IT IS SO ORDERED.

/s/ Mary G. Lewis  
United States District Judge

Spartanburg, South Carolina  
September 4, 2012