

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

Steven Samuel, #318276,	)	Civil Action No.: 2:11-cv-03417-MGL-BHH
	)	
Plaintiff,	)	
	)	
vs.	)	<b>ORDER AND OPINION</b>
	)	
Warden G. Nolland; A.W. Richard	)	
Cothran; Major Kevin Sharp; Lt.	)	
Centhia Ruth; Safety Lt. R. Jones; L.	)	
Harris, Grievance Coordinator;	)	
Jessey Pace, Med Supervisor; and	)	
Dr. Draco,	)	
	)	
Defendants.	)	

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Plaintiff Steven Samuel, a state prisoner proceeding *pro se*, filed the instant action pursuant to 42 U.S.C. § 1983. Plaintiff is currently housed at the Turbeville Correctional Institution in Turbeville, South Carolina. Plaintiff generally complains of treatment, accommodations, and conditions at Turbeville Correctional Institution and asserts violations of his constitutional rights and state and federal laws. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C., this matter was referred to United States Magistrate Judge Bruce Howe Hendricks for pretrial handling.

On or about December 16, 2011, Plaintiff filed the instant motion in the form of an “Order to Show Cause for Preliminary Injunction and Temporary Restraining Order” which states that he wishes to be “moved to a new location—‘away’ from the constant ‘reprisal’” and away from Defendants’ retaliation which caused an enormous amount of pain and emotional stress. (Dkt. No. 4). Defendants filed a Response in Opposition to this Motion

on April 3, 2012. (Dkt. No. 20). On June 21, 2012, Magistrate Hendricks issued a Report and Recommendation (“Report”) recommending that the court deny Plaintiff’s Motion for “Order to Show Cause for Preliminary Injunction and Temporary Restraining Order.” (Dkt. No. 4). The Report sets forth in detail the relevant facts and standards of law on this matter and the court incorporates such without recitation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made. On June 21, 2012, Plaintiff was advised of his right to file objections to the Report and Recommendation. (Dkt. No. 32). However, he has not done so. 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).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge’s recommendation to be proper. Plaintiff has not met his burden in establishing that a Preliminary Injunction or Temporary Restraining Order is appropriate in this case. Accordingly, this Court adopts the Magistrate

Judge's Report and Recommendation which is incorporated herein by reference. Plaintiff's Motion for "Order to Show Cause for Preliminary Injunction and Temporary Restraining Order" is DENIED.

IT IS SO ORDERED.

s/Mary G. Lewis  
United States District Judge

July 26, 2012

Spartanburg, South Carolina