

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

Billy Eugene Wall, Jr.,
Plaintiff,
v.
Capt. Charles Frazer, *Colleton County
Detention Center*, Officer Thomas
Richberg, *Colleton County Detention
Center*, and Officer Joe Waring,
individually and in their official
capacities,
Defendant.

No. 2:12-cv-618-RMG

ORDER

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Magistrate Judge recommending that the Court grant Defendants’ motion for summary judgment. (Dkt. No. 87). As set forth below, the Court agrees with and adopts the R&R as the order of the Court.

Background

Plaintiff, proceeding *pro se*, brings this action pursuant to 42 U.S.C. § 1983. Pursuant to the provisions of 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(e) DSC, this matter was referred to a United States Magistrate Judge for all pretrial proceedings. On March 28, 2013, Defendants filed a motion for summary judgment. (Dkt. No. 75). Plaintiff then filed a response in opposition to the motion, (Dkt. No. 85), and Defendants filed a reply, (Dkt. No. 86). The Magistrate Judge then issued the present R&R recommending the Court grant the motion for summary judgment. (Dkt. No. 87). Plaintiff failed to file timely objections to the R&R.

Legal Standard

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a de novo determination of those portions of the R&R to which specific objection is made. Additionally, 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). This Court may also “receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*


Discussion

After review of the record and the R&R and finding no clear error, the Court agrees with and adopts the R&R as the order of the Court. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005). The Court agrees with the R&R that Plaintiff’s claims for false imprisonment, deliberate indifference, conditions of confinement, equitable relief, and any state claims should be dismissed.

Conclusion

As set forth above, the Court agrees with and adopts the R&R as the order of the Court. (Dkt. No. 87). Accordingly, the Court grants Defendant’s motion for summary judgment as to all Plaintiff’s federal claims, and Plaintiff’s state law claims are dismissed pursuant to 28 U.S.C. § 1367(c)(3).

AND IT IS SO ORDERED.


Richard Mark Gergel
United States District Court Judge

February 6, 2013
Charleston, South Carolina