

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

David Lee Garner,)
)
Plaintiff,)
)
vs.)
)
The Supreme Court of the United States;)
The United States Department of Justice;)
The United States District Court of)
Washington DC; The FBI Director of FBI)
Headquarters, Washington, DC; The)
Director of the Federal Bureau of Prisons)
Wash DC; President Barack Obama;)
Former President George Bush, Sr; Former)
President George Bush, Jr; Former Vice)
President Dick Cheney; U.S. Secretary of)
State John Kerry; Former U.S. Secretary)
of State Hilary Clinton; Presiding U.S.)
Speaker of the House Nancy Pelosi; and)
U.S. Chief of Staff Rahm Emanuel,)
)
Defendants.)
_____)

Case No. 2:14-cv-02243-TLW

ORDER

Plaintiff David Lee Garner, proceeding pro se and in forma pauperis, is a federal prisoner at the United States Penitentiary in Lewisburg, Pennsylvania. Plaintiff filed this action against various federal agencies and current and former federal officials on June 10, 2014. (Doc. #1). Plaintiff filed a supplemental “Criminal Statement Brief” on July 10, 2014. (Doc. #10). This matter is now before the Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Wallace W. Dixon, to whom this case was assigned pursuant to 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2), (D.S.C.). In the Report, the Magistrate Judge recommends that this Court dismiss this action without prejudice and without

issuance and service of process. (Doc. #15). Plaintiff filed timely objections on August 29, 2014. (Doc. #17). Plaintiff filed an additional Declaration on November 5, 2014. (Doc. #19). This matter is now ripe for disposition.

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).

The Court has carefully reviewed the Report, Plaintiff's objections thereto, and Plaintiff's Declaration in accordance with this standard, and it concludes that the Magistrate Judge accurately summarizes the case and the applicable law. Accordingly, it is hereby **ORDERED** that the Report and Recommendation is **ACCEPTED** (Doc. #15), and Plaintiffs's objections thereto are **OVERRULED** (Doc. #17). For the reasons articulated by the Magistrate Judge, this action is **DISMISSED** without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/ Terry L. Wooten _____
Terry L. Wooten
Chief United States District Judge

November 6, 2014
Columbia, South Carolina