

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

Brandon Vernon Cole, #319318,)
)
 Plaintiff,)
)
 v.)
)
 Alma White, et al.,)
)
 Defendants.)
 _____)

Case No 2:16-cv-3548-RMG

ORDER AND OPINION

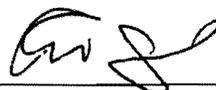
Brandon Vernon Cole (the “Plaintiff”), was a state prisoner incarcerated at Manning Correctional Institution in South Carolina. He filed this civil action under 42 U.S.C. § 1983 and is proceeding *pro se* and *in forma pauperis*. (Dkt. No. 6.) This matter is before the Court on the Report and Recommendation (“R. & R.”) of the Magistrate Judge to summarily dismiss Plaintiff’s amended complaint. (Dkt. No. 23.) The R. & R. was mailed to Plaintiff on February 2, 2017. (Dkt. No. 24.) On February 6, 2017, the Court received a change of address notice from Plaintiff who has been released from Manning Correctional Institution into the community. (Dkt. No. 25.) In that notice, Plaintiff asked this Court to accept additional information relevant to his § 1983 claim. The letter did not contain any specific objections to the R. & R., and Plaintiff has not otherwise filed objections to the R. & R. This Court has reviewed Plaintiff’s amended complaint, the R. & R., and Plaintiff’s change of address notice.

While this Court will conduct a *de novo* review of any portion of the R. & R. to which a specific objection is made, it appears Congress did not intend for the district court to review the factual and legal conclusions of the Magistrate absent objection by any party. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

A *de novo* review of the record indicates that the R. & R. accurately analyzes the facts of this case and the applicable law. Plaintiff's February 6, 2017 letter to this Court contains similar facts and allegations to those in his amended complaint, including deficient, non-specific, and unclear allegations about violations of Plaintiff's rights with regard to his grand jury indictment, a preliminary hearing, and Brady violations. The R. & R. adequately explains why Plaintiff has failed to state a claim for relief on any of those grounds.

Accordingly, this Court adopts the Magistrate's R. & R. as the Order of this Court. Plaintiff's amended complaint is **DISMISSED** without prejudice and without issuance of service of process.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

February 24, 2017
Charleston, South Carolina