

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

Samuel A. Wilder,

Plaintiff

v.

Bryan P. Stirling, in his official capacity as
Director of South Carolina Department of
Corrections,

Defendant.

C/A No. 2:18-380-CMC

Order

Plaintiff filed this *pro se* complaint in this court pursuant to 42 U.S.C. § 1983, alleging Defendant violated his constitutional rights by denying him access to sunlight after the windows at McCormick Correctional Institution were covered. ECF No. 1. Plaintiff filed a motion for preliminary injunction requesting the court stop the Institution from placing window covers on all the windows as he was unable to see sunlight. ECF No. 2. On June 28, 2018, Plaintiff filed a motion for leave to amend his motion for injunction. ECF No. 31. Defendant filed a response, arguing Plaintiff failed to show he was entitled to a preliminary injunction.¹ ECF No. 32. The Magistrate Judge entered a Report and Recommendation on July 5, 2018, recommending Plaintiff's motions be denied. ECF No. 36. However, before the time for objections to the Report expired, Plaintiff filed a motion for dismissal of action pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. ECF No. 43. The Magistrate Judge thereafter issued a second Report and Recommendation, finding dismissal appropriate under Rule 41(a)(2) and recommending this court dismiss the action without prejudice. ECF No. 44.

¹ Defendant also filed a motion for summary judgment, arguing Plaintiff did not exhaust administrative remedies and failed to state a claim for a constitutional violation. ECF No. 33.

The court agrees dismissal is proper pursuant to Rule 41(a)(2), and grants Plaintiff's motion to dismiss. This action is dismissed without prejudice. Plaintiff's motions for preliminary injunction (ECF Nos. 2, 31) and Defendant's motion for summary judgment (ECF No. 33) are moot.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
August 20, 2018