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

Thomas Lowery, #083240, Petitioner, vs. SC Department of Probation Parole and Pardon Services; Cecilia Reynolds Warden Ker. CI, Respondents.	)	Civil Action No. 3:10-3011-TLW-JRM **ORDER**

Petitioner, Thomas Lowery, ("petitioner"), brought this civil action, *pro se*, pursuant to 28 U.S.C. § 2241 on November 29, 2010. (Doc. # 1).

This matter now comes before this Court for review of the Report and Recommendation ("the Report") filed by United States Magistrate Joseph R. McCrorey, to whom this case had previously been assigned. In the Report, the Magistrate Judge recommends that the Petitioner's motion for summary judgment be denied and that the Respondents' motions for summary judgment be granted. (Doc. # 23). Petitioner filed objections on July 28, 2011. (Doc. # 25). The Respondents filed a Reply on August 8, 2011. (Doc. # 26). The Petitioner then filed a Reply and a Motion for Certificate of Appealability. (Docs. # 27 and 28). 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).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Doc. # 23). Therefore, the Respondents' motions for summary judgment are **GRANTED** (Docs. # 9 and17), Petitioner's motion for summary judgment is denied, (Doc. # 22) and the Petitioner's Motion for Certificate of Appealability is **DENIED**, (Doc. # 27), and the Petition is **DISMISSED**.

IT IS SO ORDERED.

s/Terry L. Wooten
TERRY L. WOOTEN
United States District Judge

September 12, 2011
Florence, South Carolina