

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

Alison White Doctor and Alfred Doctor,)	C/A No.: 3:11-600-JFA-PJG
)	
Plaintiffs,)	
vs.)	ORDER
)	
SC Department of Probation and Parole; City)	
of Columbia Police Department; Alvin S. Glen)	
Detention Center,)	
)	
Defendants.)	
)	

The *pro se* plaintiffs bring this action pursuant to 42 U.S.C. § 1983. Plaintiff Alison White Doctor contends she was falsely arrested. She was released from the South Carolina Department of Corrections (SCDC) on September 1, 2010. Plaintiffs' allegations relate to Alison's arrest on an outstanding bench warrant. The plaintiffs seek damages for double jeopardy, false arrest, false imprisonment, emotional distress, violations of due process, and negligence.

The Magistrate Judge assigned to this action¹ has prepared a thorough Report and Recommendation wherein she suggests that the court should summarily dismiss this action. The Report sets forth in detail the relevant facts and standards of law on this matter, and the

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

court incorporates such without a recitation.

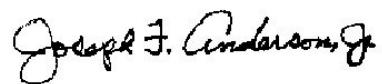
The plaintiffs were advised of their right to submit objections to the Report and Recommendation which was entered on June 10, 2011. No objections to the report were filed. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

The Magistrate Judge properly suggests that defendant South Carolina Department of Probation, Parole and Pardon Services is an agency of the State of South Carolina, has not consented to suit in this court, is protected by the Eleventh Amendment, and should be summarily dismissed from this action. *Regents of the Univ. of Ca. v. Doe*, 519 U.S. 425, 429 (1997).

The Magistrate Judge further concludes that the Alvin S. Glenn Detention Center and the City of Columbia are not “persons” within the meaning of 42 U.S.C. § 1983. Only “persons” may act under color of state law, therefore, a defendant in a § 1983 action must qualify as a “person.” A state or state agency is not a person for purposes of a § 1983 damages action. *Will v. Mich. Dep’t of State Police*, 491 U.S. 58 (1989).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.
United States District Judge

July 11, 2011
Columbia, South Carolina