

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

Robert Holt, individually, and )  
the Estate of Doris C. Holt, )  
by and through Robert B. Holt, )  
sole beneficiary, )

Plaintiff, )

vs. )

C/A No.: 3:12-cv-03539-TLW

South Carolina Department of Social )  
Services; South Carolina Ombudsman’s Office; )  
Susan Stroman; Princess Hodges; )  
Susan Tillman; Pamela Dantzler; Kathy Beers; )  
Jennifer Brewton; Brenda Hughes; )  
UniHealth Orangeburg , SC; UniHealth )  
Post Acute Care of Columbia; )  
Latoya Buggs-Williams; )  
Sgt. Darin L. Dougherty; Sgt. George A. Drafts; )  
April Merrill; Columbia Police Department; )  
Lt. Governor Andre Bauer; Lt. Governor )  
Ken Ard; Jayson F. Bring; Beth Schuler; )  
Crystal Pavlick; Palmetto Senior Care; )  
Palmetto Health; UHS-Pruitt Corporation; and )  
Lt. Col. Carl Burke, )

Defendants. )

**ORDER**

Plaintiffs, Robert B. Holt, also known as James Spencer, and the Estate of Doris Holt, by and through Robert B. Holt (“PlaintiffS”), proceeding *in forma pauperis*, filed this civil action on or about December 14, 2012, alleging various constitutional violations and personal injuries arising from the allegedly involuntary confinement of the late Doris Holt in nursing-home facilities. Plaintiffs assert both federal constitutional and statutory claims pursuant to 42 U.S.C. § 1981, 1983, 1985; 5 U.S.C. § 301; 28 U.S.C. §§ 2674, 2680(h); and 18 U.S.C. § 1961, as well

as supplemental state-law based torts claims. Plaintiffs seek monetary damages and injunctive relief. (Docs. #1; 99).

This matter now comes before the Court for review of the Report and Recommendation (“the Report”) issued on August 29, 2013 by United States Magistrate Judge Paige J. Gossett, to whom this case was previously assigned pursuant to the provisions of 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). (Doc. #26). In the Report, the Magistrate Judge recommends that this Court dismiss Plaintiffs’ claims against the following Defendants: Defendant South Carolina Department of Social Services and Defendant South Carolina Ombudsman’s Office.<sup>1</sup> (See Doc. #26). The Magistrate Judge’s Report recommends that those Defendants be summarily dismissed without prejudice as Defendants in the above-captioned case pursuant to 28 U.S.C. § 1915(e)(2)(B) because those Defendants are immune from Plaintiffs’ federal and state law claims under the Eleventh Amendment.

The Plaintiffs did not file Objections to the Report and Recommendation. The deadline for the parties to file Objections to the Report expired on September 16, 2013. (Doc. #26).

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation 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).

---

<sup>1</sup> The Magistrate Judge’s Report further recommended dismissing Plaintiffs’ claims against Defendant the State of South Carolina and the South Carolina Office on Aging under the same reasoning. However, Plaintiffs’ subsequently filed Amended Complaint (Doc. #99) did not list the State of South Carolina or the South Carolina Office on Aging as Defendants in this case. Therefore, the State of South Carolina and the South Carolina Office on Aging have been dismissed as Defendants in the instant case pursuant to the Amended Complaint. (Docs. #99; 100).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation and all other relevant filings in this matter. After careful consideration, it is hereby **ORDERED** that the Report and Recommendation (Doc. #26) is **ACCEPTED**.

Accordingly, for the reasons articulated by the Magistrate Judge, **IT IS HEREBY ORDERED** that Defendant South Carolina Department of Social Services and Defendant South Carolina Ombudsman's Office be dismissed without prejudice as Defendants in the above-captioned case.

**IT IS SO ORDERED.**

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

May 21, 2014  
Columbia, South Carolina