

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

Marie Assa'ad-Faltas *MD MPH*,)
)
 Petitioner,)
)
 vs.)
)
 City of Columbia, SC; The City's Police)
 Department; Sara Heather Savitz Weiss;)
 Tandy Carter; Debbie C. Jordan; Michael)
 King; CPD Captain Gregory A. Sharp;)
 CPD Sargent James Auld; CPD Officer)
 Brown; CPD Officer Girard;)
 Richland/Columbia Dispatcher Bruner;)
 Retired CPD Sargent Joseph Smith; Dana)
 Elizabeth Davis Turner; Pamela Elaine)
 Jacobs Hawkins; Attorney David W.)
 Farrell; Attorney Robert G. Cooper; Dinah)
 Gail Steele; Larry Wayne Mason; John)
 Mitchel Jones; Charlene Crouch; Teresa)
 Felicia Ingram-Jackson; Steele Enterprises;)
 AAA Investigations; J. Andrew Delaney;)
 McAngus, Goudelock & Courie; Reuben)
 Santiago, Interim CPD Chief; Teresa)
 Wislon; Alan Wilson, Attorney General of)
 South Carolina,)
)
 Defendants.)
 _____)

C/A No.: 3:13-2715-TLW

ORDER

Plaintiff Marie Assa'ad-Faltas ("Plaintiff"), proceeding *pro se* and *in forma pauperis*, alleges a violation of her constitutional rights under 42 U.S.C. § 1983. (Doc. # 1). The matter now comes before this Court for review of the Report and Recommendation ("the Report") filed on November 1, 2013 by Magistrate Judge Shiva V. Hodges, (Doc. # 10), to whom this case was previously assigned. Plaintiff filed objections to the Report on November 18, 2013. (Doc. # 12).

Also on November 18, 2013, Plaintiff filed a Motion to Reassign this case and a Motion to Amend/Correct Complaint. (Doc. #13).

In the Report, the Magistrate Judge recommends dismissing the case without prejudice and without issuance and service of process. 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. In addition, the Court has reviewed the pending Motion to Reassign and Motion to Amend. Regarding the Motion to Reassign, the Plaintiff has shown no bias, prejudice, or relationship that would require recusal by the Magistrate Judge. Regarding the Motion to Amend, the Court finds that amendment would be futile. See Franks v. Ross, 313 F.3d 184, 193, 198 n.15 (noting that a motion to amend under Rule 15 of the Federal Rules of Civil Procedure should be denied when the amendment would be futile). Accordingly, the Plaintiff's Motion to Reassign and Motion to Amend, (Doc. #13), are **DENIED**. Furthermore, after careful review of the Report and objections thereto, the Court hereby **ACCEPTS** the Report. (Doc. # 10). The

Plaintiff's objections, (Doc. #12), are **OVERRULED**. The Plaintiff's case is **DISMISSED** without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/Terry L. Wooten
Chief United States District Judge

June 26, 2014
Columbia, South Carolina