

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

Robert Maurice Johnson, #2008003090,)	
)	C/A No. 3:15-2708-MBS
Plaintiff,)	
)	
vs.)	
)	
The State of South Carolina; Lt. Cato;)	ORDER AND OPINION
Lt. Anthony; Corporal Butler; Judge)	
William Corbett; Officer Delong; and)	
Officer Durant,)	
)	
Defendants.)	
_____)	

At the time of the underlying events, Plaintiff Robert Maurice Johnson was a pretrial detainee being held at the Kershaw County Detention Center in Camden, South Carolina. On July 9, 2015, Plaintiff, proceeding pro se, filed a complaint seeking money damages under 42 U.S.C. § 1983. Plaintiff alleges that on October 22, 2014, he appeared before Kershaw County Magistrate Judge William D. Corbett, where he became disruptive and was removed from the courtroom. Plaintiff contends that he was assaulted by Defendant Corbett outside the courtroom in view of Defendant Delong. Plaintiff further alleges that in February 2015, Defendants Cato, Anthony, Butler, and Durant “stole [his] written statements by force under Judge Corbets orders supposedly.” ECF No. 1-2. Plaintiff no longer is in detention or custody.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for pretrial handling. The Magistrate Judge issued a Report and Recommendation on July 28, 2016, in which she determined that Defendants Cato, Anthony, Butler, and Durant are entitled to summary judgment because Plaintiff failed to exhaust his administrative remedies as required by the Prison Litigation Reform Act, codified at 42

U.S.C. § 1997e(a). See Porter v. Nussle, 534 U.S. 516 (2002). The Magistrate Judge further observed that Defendant State of South Carolina is immune from suit under the Eleventh Amendment. In addition, the Magistrate Judge recommended that the court not exercise jurisdiction over any state law claims asserted by Plaintiff with respect to Defendants Corbett and Delong. Plaintiff filed no objections to the Report and Recommendation. The court adopted the Report and Recommendation by order filed August 30, 2016. Summary judgment was entered on August 31, 2016.

This matter now is before the court on Plaintiff's motion for sidebar and motion for reconsideration, which motions were filed November 4, 2016. In his motion for sidebar, Plaintiff states that he would like to "show somebody with authority proof of tampering with evidence comited by the US government. I was not alloued to continue my case untill I was released." ECF No. 52. In his motion for reconsideration, Plaintiff objects to the Report and Recommendation and states he was unable to comply with the grievance system because the correctional officers stole his personal documentation. Plaintiff further contends that since his release he has obtained video and audio evidence from the South Carolina Law Enforcement Division (SLED) to support his case. Plaintiff contends he was released on March 18, 2016, but that his mail was not returned to the court, which would have notified the court that Plaintiff no longer was incarcerated.

A motion for reconsideration filed pursuant to Fed. R. Civ. P. 59(e) must be filed no later than 28 days after the entry of judgment. The time to file a Rule 59(e) motion cannot be extended. Fed. R. Civ. P. 6(b)(2). Therefore, Plaintiff was required to file his motion for reconsideration no later than September 28, 2016. Plaintiff's motion for reconsideration is time barred. To the extent Plaintiff contends his mail should have been returned to the court to show that he had been released,

Plaintiff was informed by order from the Magistrate Judge filed August 10, 2015, that he was responsible for immediately advising the court of any change in address, and that his failure to do so would not be excused by the court. ECF No. 7.

Plaintiff's motion for sidebar (ECF No. 52) is **denied**. Plaintiff's motion for reconsideration (ECF No. is 53) **denied** as time barred. Plaintiff is reminded that he may still be able to seek a remedy in state court.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

July 27, 2017

claims raised by Plaintiff. See 28 U.S.C. § 1367(c)(3).
IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

August 30, 2016

NOTICE OF RIGHT TO APPEAL

**Plaintiff is hereby notified of the right to appeal this order
pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**