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

SEAN ALEXANDER ECHOLS, Plaintiff,	§ § §	
vs.	§	CIVIL ACTION NO. 3:16-02732-MGL
MR. KENNETH WITHERSPOON, United States Assistant Attorney, and MS. STACEY HAYNES, United States Assistant Attorney, Defendants.	§ § § § §	

ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND DISMISSING THE COMPLAINT WITHOUT PREJUDICE
AND WITHOUT ISSUANCE AND SERVICE OF PROCESS

This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the Complaint be dismissed without prejudice and without issuance and service of process. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (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 with instructions. 28 U.S.C. § 636(b)(1). The Court need not conduct a de

novo review, however, "when a party makes general and conclusory objections that do not direct the court to a specific error in the [Magistrate Judge's] proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982); *see* Fed. R. Civ. P. 72(b).

The Magistrate Judge filed the Report on August 23, 2016, and the Clerk of Court entered Plaintiff's objections to the Report on September 8, 2016. The Court has reviewed the objections, but finds them without merit. Therefore, it will enter judgment accordingly.

In light of the standard set forth above, the Court finds that Plaintiff's objections consist largely of restatements of arguments already advanced in prior filings. Nowhere in Plaintiff's objections does he meaningfully counter any of the core legal determinations of the Magistrate Judge, such as her careful determination that to the extent Plaintiff claims Defendants mishandled discovery materials, such claims are barred by prosecutorial immunity. *See Buckley v. Fitzsimmons*, 509 U.S. 259 (1993). Nor does Plaintiff provide a meritorious objection to the Magistrate Judge's determination that, to the extent Plaintiff alleges Defendants intentionally distributed his FBI interviews to inmates in the South Carolina Department of Corrections, he fails to plead specific facts to establish Defendants were personally responsible for distributing those documents.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court that the Complaint is **DISMISSED WITHOUT PREJUDICE** and without issuance and service of process.

IT IS SO ORDERED.

Signed this 8th day of September, 2016, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

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NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within sixty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.