

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

August B. Kreis, III,)	
)	
Plaintiff,)	
)	C/A No.: 3:17-cv-0344-TLW
vs.)	
)	
David Ross, <i>Head Sol. over all So. Car.</i>)	
<i>Sols, et al.,</i>)	ORDER
)	
Defendants.)	
)	

Plaintiff August B. Kreis, III, proceeding *pro se*, filed this action alleging violations of his Constitutional rights pursuant to 42 U.S.C. §§ 1983, 1985(3), and 1988. ECF No. 1. He also seeks damages for various state causes of action. *Id.* This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed on June 14, 2017, by United States Magistrate Judge Paige J. Gossett, to whom this case was previously assigned pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(d), (D.S.C.). In the Report, the Magistrate Judge recommends dismissing Plaintiff’s Complaint without prejudice and without issuance and service of process. ECF No. 30. Plaintiff filed Objections to the Report on June 26, 2017. ECF No. 33. This matter is now ripe for disposition.

In conducting its 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. The Court notes that Plaintiff's objections do not state a factual or legal basis upon which the Court should not accept the Report. Accordingly, the Court **ACCEPTS** the Report, ECF No. 30, and Plaintiff's Objections, ECF No. 33, are hereby **OVERRULED**. For the reasons stated in the Report, Plaintiff's Motion for Preliminary Injunction, ECF No. 16, is **DENIED**, and Plaintiff's Complaint, ECF No. 1, is **DISMISSED** without prejudice and without issuance and service of process.¹ In light of the Court's dismissal of the case, Plaintiff's motions, ECF Nos. 11, 18, 22, 26, are deemed **MOOT**.

IT IS SO ORDERED.

s/Terry L. Wooten

Chief United States District Judge

July 21, 2017
Columbia, South Carolina

¹ As recommended in the Report, the Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims. *See* ECF Nos. 1, 30.