

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

Edgar Thomas,

Civil Action No. 3:17-cv-1345-CMC-SVH

Plaintiff,

vs.

ORDER

The State of South Carolina,
Defendant.

This matter is before the court on Plaintiff's complaint seeking to remove Richland County South Carolina General Sessions warrant number 2016A4021602893 and the associated state criminal action for possession of ecstasy to this federal court. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2), D.S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for pre-trial proceedings and a Report and Recommendation ("Report") on dispositive issues. On June 9, 2017, the Magistrate Judge issued a Report recommending that this matter be summarily dismissed without prejudice and without issuance and service of process. ECF No. 10. The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. Plaintiff filed objections to the Report on June 21, 2017. ECF No. 13. With his objections, Plaintiff filed an Amended Complaint. ECF No. 14.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made

by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b).

After considering the record, the applicable law, the Report and Recommendation of the Magistrate Judge, Plaintiff's objections, and the Amended Complaint, the court agrees with the Report's recommendation the Complaint be dismissed. Plaintiff seeks removal of his state court criminal charges to this federal court; however, he does not meet the statutory requirements to do so. Nothing in Plaintiff's objections or Amended Complaint alters this conclusion: Plaintiff does not allege he is in the military, an officer of the United States, or has been denied his civil rights in terms of racial equality. *See State of N.C. v. Grant*, 452 F.2d 780, 782 (4th Cir. 1972). For the reasons above, the court adopts the Report and incorporates it by reference. Plaintiff's Amended Complaint is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
June 27, 2017