

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

Jonathan Lee Riches, #404948-018,)	
)	C/A No.: 4:06-0442-MBS
Plaintiff,)	
)	
vs.)	
)	
George W. Bush, individually and in his)	ORDER
capacity as President of the United)	
States,)	
)	
Defendant.)	
_____)	

Plaintiff Jonathan Lee Riches is a federal inmate in custody of the Federal Bureau of Prisons. Plaintiff, appearing pro se, brings this complaint pursuant to 42 U.S.C. § 1983, alleging that his constitutional rights have been violated in certain respects. He further alleges claims under the Federal Tort Claims Act (FTCA). According to Plaintiff, Defendant is involved in terrorism, murder, treason, fraud, extortion, torture, racketeering, tortious conduct, espionage, sex trafficking, obstruction of justice, war crimes, assault, biological weapons, concealment, false oaths, bribery, stalking, identity theft, kidnaping, genocide, injury to wildlife, sabotage, criminal street gangs, explosives, brutality, negligence, false information, and mind manipulation. Complaint, pp. 1-2 (unnumbered)..

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 William M. Catoe for pretrial handling. The Magistrate Judge issued a Report and Recommendation on February 24, 2006 in which he recommended that the complaint be dismissed without prejudice and without issuance and service of process. The Magistrate Judge further recommended that the case be deemed a “strike” for purposes of the “three strikes” rule of 28 U.S.C. § 1915(g) because Defendant is immune from suit. Plaintiff filed no

objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation 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 may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. The case is dismissed without prejudice and without issuance and service of process. The case shall be deemed a “strike” for purposes of the “three strikes” rule of 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

March 22, 2006

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

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