

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

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|------------------------------------|---|----------------------------|
| Thomas Green, |) | C.A. No. 4:07-1678-TLW-TER |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| Timothy Jones and Bobby Lee Jones, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

The Plaintiff, proceeding *pro se*, brings this action pursuant to 42 U.S.C. § 1983. The Defendants in this case are officers in the Latta Police Department. Plaintiff was arrested by the Defendants on January 21, 2007. This case arises out of alleged wrongdoings related to that arrest.

On January 21, 2009, United States Magistrate Judge Tom Rogers, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.), filed a Report and Recommendation (“the Report”). In his Report, Magistrate Judge Rogers recommends that the Plaintiff’s Motion for Judgment as a Matter of Law be denied and Defendants’ Motion for Summary Judgment be granted. On February 4, 2009 and February 9, 2009, Plaintiff filed objections to the Magistrate’s Report.

This Court is charged with reviewing the Magistrate’s Report and the Plaintiff’s objections thereto. In conducting this 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 this standard, the Court has carefully reviewed, de novo, the Report and the objections thereto and has concluded that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 88); Plaintiff's Motion for Judgment as a Matter of Law is denied (Doc. # 68) and Defendants' Motion for Summary Judgment is granted (Doc. # 77).

IT IS SO ORDERED.

S/ Terry L. Wooten

TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

March 4, 2009
Florence, South Carolina