

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

ORDER

Plaintiff, Albert Santeneyo Kelly (“plaintiff”), brought this civil action, *pro se*, on November 14, 2007 pursuant to 42 U.S.C. § 1983. (Doc. #1). The defendants filed a Motion for Summary Judgment on April 24, 2008. (Doc. #28). The plaintiff filed a Response to defendants’ Motion for Summary Judgment on August 18, 2008. (Doc. #43).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned. (Doc. #58). In the Report, the Magistrate Judge recommends that defendants’ Motion for Summary Judgment be granted in its entirety and that any other outstanding motions be deemed moot. (Doc. #58). The plaintiff filed objections to the report. (Doc. #60). 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 the standard set forth in Wallace, the Court has reviewed the Report and the objections. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Doc. #58). Therefore, for the reasons articulated by the Magistrate Judge, defendants' Motion for Summary Judgment is **GRANTED** in its entirety, and any other outstanding Motions are deemed **MOOT**.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

December 5, 2008
Florence, South Carolina