

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

Tron Manvel Littlejohn, #250174,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No.: 4:08-cv-383-TLW-TER
)	
Jon Ozmint, et. al,)	
)	
Defendants.)	
_____)	

ORDER

The plaintiff, Tron Manvel Littlejohn (“plaintiff”), proceeding *pro se*, filed this action pursuant to 28 U.S.C. § 1983. (Doc. #1). The case was referred to Magistrate Judge Thomas E. Rogers, III, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2)(c), DSC. The defendants filed a Motion for Summary Judgment on August 11, 2008. (Doc. #46). The Magistrate Judge issued a Report and Recommendation on September 22, 2008, recommending that this action be dismissed for failure to prosecute. (Doc. #52). On December 22, 2008, the plaintiff filed an objection to the Report and Recommendation. (Doc. #57). The objections appeared to address the substance of the defendants’ motion for summary judgment. On January 12, 2009, this Court issued an Order remanding this case to the Magistrate Judge to determine whether the objection, (Doc. #57), should be treated as a response to the defendants’ motion for summary judgment. (Doc. #59).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. #62). In the Report, the Magistrate Judge notes that the document filed by the plaintiff on December 22,

2008, (Doc. #57), will be treated as a response to the defendants' motion for summary judgment. (Doc. #62). The Magistrate Judge further recommends that the District Court grant the defendants' motion for summary judgment. (Doc. #62). The plaintiff filed objections to the report. (Doc. #66).

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, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Doc. #62). All pending motions are deemed **MOOT**.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

March 12, 2009
Florence, South Carolina