

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Reverend Franklin C. Reaves,) Civil Action No.: 4:08-576-TLW-TER
)
)
Plaintiff,)
)
)
-vs-)
)
)
South Carolina DSS, Willie D. Reaves,)
Hybert Strickland,)
The Honorable Sherry R. Rhodes,)
Marion County Sheriff's Department,)
Mark Richardson, Deputy C. Smith,)
Deputy Davis, Marion County Jail,)
Marion County Prison Farm and)
Tim Harper,)
)
Defendants.)
)
_____)

ORDER

This action has been filed by the plaintiff, who is proceeding *pro se*. This matter is now before the undersigned 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 pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge Rogers recommends that the defendant Willie D. Reaves' Motion to Dismiss (Doc. # 9) be granted and that she be dismissed from this action. It is further recommended that the entire action be dismissed pursuant to the Rooker-Feldman doctrine. The Report was filed on October 27, 2008. (Doc. # 53). Plaintiff filed objections on November 5, 2008. (Doc. # 56)

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 reviewed, de novo, the Report and the objections thereto. The Court accepts the Report.

THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 53); plaintiff's objections are **OVERRULED** (Doc. # 56); defendant Willie D. Reaves' Motion to Dismiss (Doc. # 9) is granted and she is dismissed from this action. Additionally, the entire action is dismissed pursuant to the Rooker-Feldman doctrine. Accordingly, any remaining pending motions are deemed **MOOT**.

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN

UNITED STATES DISTRICT JUDGE

December 2, 2008
Florence, South Carolina