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

Edward R. Spears a/k/a Edward Rodney Spears, Plaintiff, v. Florence Magistrate Court, civil dept; Judge Neon Langely; Judge Eugene Cooper, and Constable Eaddy, Defendants.	)	Civil Action No.: 4:11-1717-TLW-SVH

ORDER

On July 18, 2011, the plaintiff, Edward R. Spears ("plaintiff"), proceeding *pro se*, filed this civil action construed as an action under 42 U.S.C. § 1983. (Doc. #1).

This matter now comes before this Court for review of the Report and Recommendations ("the Report") filed by United States Magistrate Judge Shiva V. Hodges, to whom this case had previously been assigned. In the Report, the Magistrate Judge recommends that plaintiff's complaint be dismissed without prejudice and without issuance and service of process pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii). (Doc. #14). The plaintiff filed objections to the Report. (Doc. #16). 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. #14). The complaint is therefore **DISMISSED** without prejudice and without issuance and service of process.

IT IS SO ORDERED.

October 17, 2011
Florence, South Carolina

s/Terry L. Wooten
United States District Judge