

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

Irvin Jefferson Wilson)	Civil Action No.: 4:11-2837-MGL-TER
)	
Petitioner,)	
)	
vs.)	ORDER AND OPINION
)	
William Byras, Director SDCD;)	
Monica Wallace, Classification SCDC;)	
B. Lewis, Case Worker SCDC;)	
C. Thompson, Grievance Co-Ord)	
SCDC,)	
)	
Defendants.)	

This matter is before the Court upon the recommendation of Magistrate Judge Thomas E. Rogers, III that Plaintiff Irvin Jefferson Wilson’s action against Defendant C. Thompson be dismissed without prejudice and without issuance and service of process. The Magistrate Judge also recommended that all claims against Defendants William Byras, Monica Wallace, and B. Lewis be dismissed without prejudice and without issuance and service of process, except that process should be issued for Defendants Byras, Wallace and Lewis on the sole claim for denial of credits associated with Plaintiff’s autobreaking conviction. Because this is a *pro se* complainant seeking relief pursuant to 42 U.S.C. § 1983, this case was automatically referred to the United States Magistrate Judge for all pretrial proceedings pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), D.S.C. Plaintiff seeks monetary damages against Defendants, alleging that they deprived Plaintiff of his constitutional rights and liberty interests. (Dkt. No. 1 at 8.)

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge's report to which a specific objection is registered, and may accept, reject, or modify in whole or in part the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears Congress did not intend for the district court to review the factual and legal conclusions of the Magistrate Judge. *Thomas v. Arn*, 474 U.S. 140, 150, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). Additionally, any party who fails to file timely, written objections to the Magistrate Judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. *United States v. Schronce*, 727 F.2d 91, 93–94 (4th Cir.1984). No objections have been filed to the Magistrate Judge's Report and Recommendation.

After careful review of the record, the applicable law, and the Report and Recommendation in the case, the Court finds the Magistrate Judge's recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference. It is therefore ORDERED that Plaintiff's complaint is DISMISSED without prejudice and without service of process as to Defendant C. Thompson. It is further ordered that all claims against the remaining Defendants be DISMISSED without prejudice and without service of process, except that process should be issued for Defendants Byras, Wallas and Lewis on the sole claim for denial of credits associated Plaintiff's autobreaking conviction.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

Spartanburg, South Carolina
July 25, 2012.