

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

Aryee Henderson, #237887,)	Civil Action No.: 4:16-947-BHH-TER
)	
Plaintiff,)	
)	
vs.)	
)	
Ronaldo D. Myers, <i>Director,</i>)	ORDER
Dr. Randolph, <i>Medical Physician,</i>)	
Mr. Drew, <i>Mental Health Counselor,</i>)	
Lt. Sligh, <i>Disciplinary Hearing Officer &</i>)	
<i>Grievance Coordinator,</i>)	
Sgt. Jackson, <i>Supervisor Over</i>)	
<i>Intake/Booking,</i>)	
Lt. Seward, <i>Corrections Officer,</i>)	
)	
Defendants.)	
_____)	

Plaintiff Aryee Henderson (“Plaintiff”) is an inmate at Kirkland Correctional Institution (“KCI”) in Columbia, South Carolina. On March 23, 2016, Plaintiff proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. (ECF No. 1.) Plaintiff also filed a Motion for an Injunction on July 15, 2016, (ECF No. 29.)

In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers, III, for pretrial handling. On September 9, 2016, Magistrate Judge Rogers issued a Report and Recommendation recommending that the Court deny Plaintiff’s Motion for an Injunction. (ECF No. 35.) The Magistrate Judge concluded that Plaintiff’s allegations fall short of meeting the necessary elements under the *Winter*¹ standard to grant his motion.

The Magistrate Judge makes only a recommendation to this Court. The

¹*Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008).

recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. See *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made. On September 9, 2016, Plaintiff was advised of his right to file objections to the Report and Recommendation. (ECF No. 35 at 3). However, he has not done so. In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report and Recommendation, the Court finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report and Recommendation is adopted and incorporated herein by reference. Plaintiff’s Motion for an Injunction (ECF No. 29) is DENIED.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

October 17, 2016
Greenville, South Carolina