

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

Marilyn Miller,

Plaintiff,

v.

Pickens County Sheriff's Dept.;  
Sheriff Rick Clark;  
Captain Keith Galloway;  
Southern Health Partners, and various Jane  
and John Does,

Defendants.

C/A No. 4:16-2482-JFA

**ORDER**

Plaintiff Marilyn Miller ("Plaintiff") brings this civil action pursuant to 42 U.S.C. §§ 1983 and 1981, alleging that the Defendants violated her constitutional rights under the First Amendment by being deliberately indifferent to her serious medical needs. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2) (D.S.C.), this case was referred to a Magistrate Judge for Review.

Plaintiff filed her Complaint on July 8, 2016. (ECF No. 1). On February 15, 2018, Defendant Southern Health Partners filed a motion for summary judgment. (ECF No. 40). On the same day, Defendants Rick Clark ("Clark"), Keith Galloway ("Galloway"), and Pickens County Sheriff's Department ("PCSD") also filed a motion for summary judgment. (ECF No. 42). On June 25, 2018, Defendants Clark, Galloway, and PCSD filed

a motion for sanctions. (ECF No. 55). Plaintiff did not respond to any of the Motions (ECF Nos. 40, 42, 55).

On July 25, 2018, the Magistrate Judge assigned to this action<sup>1</sup> prepared a thorough Report and Recommendation (“Report”). (ECF No. 64). The Magistrate recommended that the Motion for Sanctions (ECF No. 55) should be granted, and this case should be dismissed with prejudice in its entirety. (ECF No. 64 p. 6). Alternatively, the Magistrate recommended that the Motions for Summary Judgment (ECF Nos. 40, 42) should be granted, and this case should be dismissed with prejudice in its entirety.

The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation. Plaintiff was advised of her right to object to the Report, which was entered on the docket on July 25, 2018. (ECF No. 64). The Magistrate Judge required Plaintiff to file objections by August 8, 2018. See *id.* However, Plaintiff failed to file any objections to the Report.

A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge’s Report to which an objection is made. See 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Va. Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate’s Report, this

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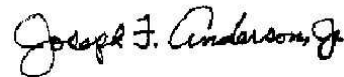
<sup>1</sup> The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1).

Court is not required to give an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation (ECF No. 64). Therefore, the Motions for Summary Judgment (ECF Nos. 40, 42) are granted,<sup>2</sup> and this case is dismissed with prejudice in its entirety.

IT IS SO ORDERED.

August 14, 2018  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge

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<sup>2</sup> The Defendants' Motion for Sanctions (ECF No. 55) is mooted by this Order.