

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

Aryee Henderson, #237887,
a/k/a Aryee Henderson, #59105,

Plaintiff,

vs.

South Carolina Department of
Corrections,
Bryan P Stirling, *Director*,
Michael McCall, *Deputy Director*,
Mr. Davis, *Associate Warden*,
James C. Dean, *Associate Warden*,
Mr. Nolan, *Deputy Warden*,
Mr. Fedd, *Food Service Director, IV*,
Mr. Gordan, *Regional Psychiatrist*,
Mr. Faust, *Maintenance Supervisor*,
Ms. Johnson, *Inmate Grievance
Coordinator*,
Lt. Brown, *Prison Guard*,
Capt. Franklin Richardson, *Prison Guard*,
Lt. Shaw, *Prison Guard*,
Sgt. West, *Prison Guard*,
Lt. Scott, *Prison Guard*,
Cpl. Sheppard, *Prison Guard*,
Capt. Ford, *Prison Guard*,
Lt. Roberts, *Prison Guard*,
Ofc. Daly, *Prison Guard*,

Defendants.

Civil Action No. 4:17-cv-287-BHH-TER

ORDER AND OPINION

Plaintiff Aryee Henderson (“Plaintiff”), proceeding *pro se*, brought this civil action pursuant to 42 U.S.C § 1983. (ECF. No. 1.) In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina, this matter was referred to United States Magistrate Judge Thomas E. Rogers, III, for pretrial handling. The matter is now before this Court for review of the Report and Recommendation (“Report”) issued by the Magistrate Judge on April 25, 2017. (ECF No. 24.) In his Report, the Magistrate Judge

recommends that the Court partially dismiss the Complaint in this case without prejudice and without issuance and service of process for Defendants Brown, Roberts, Ford, Johnson, SCDC, Gordon, Daly, McCall, Davis, Dean, Nolan, Stirling, and Faust. Objections to the Report were due by May 12, 2017. Neither Defendant nor Plaintiff has filed any Objections.

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. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). 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 of the Magistrate Judge, the Court finds no clear error. Accordingly, the Court ACCEPTS and incorporates the Report (ECF No. 24) by reference into this Order. It is therefore ORDERED that the complaint in this action is dismissed without prejudice and without issuance and service of process as to Defendants Brown, Roberts, Ford, Johnson, SCDC, Gordon, Daly, McCall, Davis, Dean, Nolan, Stirling, and Faust. All claims solely associated with the dismissed Defendants are likewise dismissed. Only Defendants Fedd, Richardson,

Shaw, West, Scott, and Sheppard remain, and only with respect to the claims regarding food, showers, and exercise. This matter is returned to the Magistrate Judge for further pretrial proceedings.

IT IS SO ORDERED.

s/Bruce Howe Hendricks
United States District Judge

May 18, 2017
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.