

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

HILLERY ROSENDALL, TOCARA)
SMITH, SHAMEKA HAYNESWORTH,)
and MOKEIA HAMMOND,)

Plaintiffs,)

-vs-)

HERMAN VOIGHT, individually and in)
his official capacity as employee of the)
South Carolina Department of Corrections,)
and SOUTH CAROLINA DEPARTMENT)
OF CORRECTIONS,)

Defendants.)

Civil Action No.: 4:17-cv-0821-BHH-TER

ORDER

Plaintiffs bring this action alleging federal claims under 42 U.S.C. § 1983 and state law claims pursuant to the South Carolina Tort Claims Act (SCTCA), S.C.Code Ann. §§ 15-78-10 et seq. All pretrial proceedings in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(A) and Local Rule 73.02(B)(2)(d). Defendants removed the action to this court on March 29, 2017, and filed a Motion to Dismiss (Document # 5) on April 5, 2017. In their Response (Document # 8), Plaintiffs indicated they had spoken with Defendants, who agreed to withdraw their motion if Plaintiffs filed an amended complaint. Within their response, Plaintiffs seek leave to file an amended complaint with Defendants' consent. Defendants confirmed their consent in their Reply (Document # 9).

For these reasons, Plaintiffs shall have ten days from the date of this order to file their amended complaint. The Clerk of Court is directed to note Defendants' Motion to Dismiss (Document # 5) as withdrawn in accordance with the agreement of the parties.

IT IS SO ORDERED.

s/Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

May 1, 2017
Florence, South Carolina