

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

Kaseem Stephens,
Korell Battle,
Lorenzo Herio, and
Dayquan Robinson,

Plaintiffs,

v.

South Carolina Department of Corrections;
Warden Leroy Cartledge, individually and in
his official capacity as warden of McCormick
Correctional Institution, and
Warden Michael Stephan, individually and in
his official capacity as warden of McCormick
Correctional Institution,

Defendants.

C/A No. 4:17-3482-JFA-TER

ORDER

The four Plaintiffs (collectively “Plaintiffs”) are inmates in the South Carolina Department of Corrections (“SCDC”). They each allege constitutional violations under pursuant to 42 U.S.C. § 1983 and state law claims under the South Carolina Tort Claims Act, S.C. Code Ann. §§ 15-78-10 et seq. (ECF No. 1-1).

On November 7, 2017, Plaintiffs filed this action in the Court of Common Pleas. (ECF No. 1-1). On December 28, 2017, the Defendants removed the case. (ECF No. 1). On December 29, 2017, the Defendants filed a Motion to Dismiss. (ECF No. 6). On January 12, 2018, Plaintiffs filed an amended complaint. (ECF No. 9). On January 24, 2018, Defendant Warden Cartledge filed a motion to dismiss (ECF No. 13), and on January 25, 2018, Defendant SCDC filed a motion to

dismiss and/or partial dismissal (ECF No. 15). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., the case was referred to a Magistrate Judge for Review.


The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”) and opines that Defendants’ Motions to Dismiss should be denied. (ECF No. 26 p. 9). 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.

No objections to the Report were filed. 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 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. 26). Thus, Defendants’ Motions to Dismiss (ECF Nos. 6, 13, 15) are denied.

IT IS SO ORDERED.

June 29, 2018
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge

¹ 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).