UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Kathy Reaves and Dmitri Reaves, PLAINTIFFS v. Mullins Police Department, City of Mullins, Marion County Sheriff's Office, and County of Marion, DEFENDANTS	Case No. 4:22-cv-03181-TLW **Order**

Plaintiffs Kathy and Dmitri Reaves (collectively "Plaintiffs"), proceeding *pro se* and *in forma pauperis*, filed this civil action against the Mullins Police Department, the City of Mullins the Marion County Sheriff's Office, and the County of Marion for claims of (1) Fourteenth Amendment Due Process violation, (2) Municipal and Supervisory Liability, (3) Malicious Prosecution, (4) Negligent Hiring and Retention, and (5) *Respondeat Superior*. ECF No. 1. Plaintiffs' claims arise out of the August 2022 arrest of Plaintiff Dimitri Reaves on Grant Larceny. *Id.* Plaintiffs purport to bring their suit pursuant to the Fourth and Fourteenth Amendments, the Fair Credit Reporting Act ("FRCA"), 15 U.S.C. § 1681 *et seq*., and apparently 42 U.S.C. § 1983. *Id*

Plaintiffs' complaint was referred to the Honorable Thomas E. Rogers, III, United States Magistrate Judge, for review pursuant to 28 U.S.C. § 36b(b)(1)(B). The magistrate judge reviewed Plaintiffs' complaint pursuant to 28 U.S.C. § 1915, which directs the court to dismiss a complaint if it is frivolous, malicious, or fails to state a claim upon which relief may be granted, as well as when the complaint seeks

monetary relief from a defendant who is immune from such relief.[1] Accordingly, the magistrate judge filed a Report and Recommendation ("Report"), ECF No. 8, recommending that this Court dismiss Plaintiffs' complaint with prejudice and without service of process.

The matter now comes before the Court for review of the Report filed by the magistrate judge. In the Report, the magistrate judge recommends that Plaintiffs' complaint be summarily dismissed because (1) Plaintiff Kathy Reaves does not have standing to bring this action since her son's arrest as a result of a warrant is not an injury to her, and (2) because Plaintiff Dmitri Reaves has failed to state a claim upon which relief can be granted. *Id.* at 2–7. Specifically, the Report found that Plaintiffs' complaint had failed to state a claim for relief as relates to Plaintiff Dmitri Reaves because (1) the Mullins Police Department is not a person and thus cannot be a defendant in a § 1983 action; (2) the complaint fails to state a § 1983 claim under a theory of municipal liability; (3) Marion County and the Marion County Sherriff's Office are entitled to sovereign immunity pursuant to the Eleventh Amendment; (4) the complaint has failed to allege a false arrest claim pursuant to § 1983 because there is a facially valid warrant and a public official cannot be charged with false arrest when he arrests a defendant pursuant to a facially valid warrant; (5) the complaint fails to state a claim for malicious prosecution, and(6) the complaint fails

[1] The magistrate judge took this step because Plaintiff Kathy Reaves is a frequent frivolous filer and currently has a number of pending actions before this Court. *See* 4:22-cv-00318-TLW; 4:22-cv-00639-TLW; 4:22-cv-00856-TLW; 3:22-cv-01399-TLW; 3:22-cv-1323-TLW, *etc.*

to state a claim pursuant to the FRCA. *Id.* Plaintiffs did not file objections to the Report. This matter is now ripe for decision.

The Court is charged with conducting a *de novo* review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report, the Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, "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 & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

The Court has carefully reviewed the Report. For the reasons stated by the magistrate judge, the Report, ECF No. 8, is **ACCEPTED**. This matter is **DISMISSED WITH PREJUDICE AND WITHOUT ISSUANCE AND SERVICE OF PROCESS**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

November 17, 2022
Columbia, South Carolina