

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

David Keith Buff,)	
)	
Plaintiff,)	
)	
vs.)	C/A No.: 5-13-cv-01901-TLW-KDW
)	
South Carolina Department of Corrections;)	
Carl Von Mutius; Justin Aranda; and)	
Douglas Cook,)	
)	
Defendants.)	
_____)	

ORDER

Plaintiff, David Keith Buff (“Plaintiff”), proceeding *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983 on or about July 11, 2013 against the Defendants, alleging violations of his constitutional rights arising out of his confinement at Lieber Correctional Institution in the South Carolina Department of Corrections. (Doc. #1).

Defendant South Carolina Department of Corrections (“Defendant SCDC”) filed a Motion to Dismiss or, in the alternative, Motion for Summary Judgment on February 18, 2014. (Doc. #26). Plaintiff filed a Response opposing Defendant SCDC’s motion on or about May 1, 2014 (Doc. #40), to which Defendant SCDC replied on May 9, 2014 (Doc. #43). The Plaintiff filed a supplemental brief in response to Defendant SCDC’s motion on May 23, 2014, to which Defendant SCDC replied on June 3, 2014. (Docs. #58; 63).

This matter now comes before the Court for review of the Report and Recommendation (“the Report”) issued on June 12, 2014 by United States Magistrate Judge Kaymani D. West, to whom this case was previously assigned pursuant to the provisions of 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). (Doc. #65). In the Report, the Magistrate Judge recommends that this Court grant Defendant SCDC’s Motion to Dismiss or, in the alternative,

Motion for Summary Judgment (Doc. #26) and that Defendant SCDC be dismissed with prejudice as a Defendant in the above-captioned case. (See Doc. #65). The Plaintiff did not file Objections to the Magistrate Judge's Report. The Plaintiff did not respond to the Magistrate Judge's Report recommending dismissal of Defendant SCDC from this case. The deadline for the Plaintiff to file Objections expired on June 30, 2014. (See Doc. #65).

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's 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 of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

This Court has carefully reviewed the Magistrate Judge's Report and Recommendation, the relevant filings, and the record in this case. The Plaintiff did not file objections to the Report. Accordingly, for the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #65). Accordingly, Defendant South Carolina Department of Correction's Motion to Dismiss or, in the alternative, Motion for Summary Judgment (Doc. #26) is hereby **GRANTED** and the claims against South Carolina Department of Corrections are hereby dismissed with prejudice.

IT IS SO ORDERED.

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

August 6, 2014
Columbia, South Carolina