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

Shaheen Cabbagestalk, # 295567,

Plaintiff,

v.

Ms. Hardin; Headquarters Grievance Branch; DHO Ms. Alyson Glidewell; Cpl. Hines; Ofc. Harruff; Nurse Tarcia James; Sgt. S. Terry; and Lt. Tompkins,

Defendants.

No: 5:13-cv-2974-RMG

ORDER

This matter is before the Court on the Report and Recommendation ("R&R") of the Magistrate Judge recommending that the Court deny Plaintiff's motion for a temporary restraining order. (Dkt. No. 80). For the reasons set forth below, the Court agrees with and adopts the R&R as the order of the Court.

Background

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B) DSC, this matter was automatically referred to a Magistrate Judge for pretrial proceedings. In his motion for a temporary restraining order, Plaintiff requests transfer to another detention facility and that other defendants be added to this case. (Dkt. No. 53). Defendants filed a response in opposition to the motion. (Dkt. No. 57). The Magistrate Judge then issued the present R&R recommending the Court deny Plaintiff's motion. (Dkt. No. 80). Plaintiff did not file timely objections to the R&R.

Legal Standard

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a de novo determination of those portions of the R&R to which specific objection is made. Additionally, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate judge with instructions." *Id.*

Discussion

After review of the record and the R&R and finding no clear error on the face of the record, the Court agrees with and adopts the R&R as the order of the Court. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005). The Court agrees Plaintiff has failed to satisfy the standard for obtaining injunctive relief and that this motion is not a proper method for adding parties to this action.

Conclusion

For the reasons set forth above, the Court agrees with and adopts the R&R as the order of the Court. (Dkt. No. 80). Accordingly, Plaintiff's motion for a temporary restraining order is denied. (Dkt. No. 53).

AND IT IS SO ORDERED.

Richard Mark Gergel
United States District Court Judge

April 15, 2014
Charleston, South Carolina