

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

Perry Drake Gilmore,

Plaintiff,

vs.

Lieutenant Grealin Frasier; Lieutenant Jones;  
Joshua Silva; Antonio Gilyard; Officer  
Jenkins; Lt. Miller; and Bryan Stirling,

Defendants.

Civil Action No. 5:18-cv-202-CMC-KDW

**ORDER**

Plaintiff Perry Drake Gilmore brought this action against Defendants alleging constitutional violations related to his treatment while confined at Lieber Correctional Institution. ECF No. 33. This matter is before the court on Plaintiff's motion for a preliminary injunction, alleging he is "not being provided with access to law" in order to litigate his case. ECF No. 30. Defendants Frasier and Jones responded in opposition to Plaintiff's motion.<sup>1</sup> ECF No. 39. On June 15, 2018, the Magistrate Judge filed a Report and Recommendation ("Report"), recommending Plaintiff's motion for preliminary injunction be denied. ECF No. 90. The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. Neither party has filed objections, and the time to do so has passed.

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

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<sup>1</sup> It does not appear Defendants other than Frasier and Jones have been served as of the date of this order. Service of process on the other Defendants is not due until October 16, 2018.

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 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)(1). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, 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.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After considering the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the Report’s recommendation to deny Plaintiff’s motion for preliminary injunction. Plaintiff has not alleged facts sufficient to meet the requirements for issuance of a preliminary injunction. Accordingly, the court adopts the Report by reference in this Order. Plaintiff’s motion for preliminary injunction is denied.

**IT IS SO ORDERED.**

s/Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
Senior United States District Judge

Columbia, South Carolina  
August 9, 2018