

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

Courtney LeQuinn Durham,)
)
 Plaintiff,)
)
 vs.)
)
 Greenville County Detention Center and)
 Trinity Food Service,)
)
 Defendants.)
)

Case No.: 5:21-cv-02921-JD-KDW

OPINION & ORDER

This matter is before the Court for review of the Report and Recommendation of United States Magistrate Kaymani D. West (“Report and Recommendation”), made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 of the District of South Carolina.¹ Courtney LeQuinn Durham (“Durham” or “Plaintiff”), proceeding *pro se* and *in forma pauperis*, filed an Amended Complaint alleging a violation of his constitutional rights by Greenville County Detention Center and Trinity Food Services (collectively “Defendants”). (DE 1.)

On September 17, 2021, the Magistrate issued an order notifying Plaintiff that his original Complaint was subject to summary dismissal because he failed to allege sufficient factual allegations to state a claim against the named Defendants. (DE 10.) The order further advised Plaintiff he had 14 days (plus three mailing days) within which to file an amended complaint or otherwise cure the identified deficiencies in his pleadings. Plaintiff filed an Amended Complaint on September 30, 2021. (DE 13.) Plaintiff’s Amended Complaint failed to correct the

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (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. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

deficiencies, and like the original Complaint, the amended Complaint failed to state a claim upon which relief can be granted. The Report and Recommendation was issued on October 5, 2021, recommending the case be dismissed with prejudice. (DE 18.)

Plaintiff filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation, 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). The Court 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 & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Upon review of the Report and Recommendation and the record in this case, the Court adopts the Report and Recommendation and incorporates it herein by reference.

It is, therefore, **ORDERED** that this action be dismissed with prejudice.

IT IS SO ORDERED.



Joseph Dawson, III
United States District Judge

Greenville, South Carolina
November 3, 2021

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.