

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

Willie Lewis Johnson,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No.: 6:06-3483-TLW-WMC
)	
Medical Department; NFN Bazzle, Warden)	
Perry Correctional Institution; A. Enloe,)	
Nurse; J. Rutledge, Nurse; and NFN)	
Clayton, Associate Warden,)	
)	
Defendants.)	
_____)	

ORDER

Plaintiff, Willie Lewis Johnson (“plaintiff”), brought this civil action, *pro se*, pursuant to 42 U.S.C. § 1983 on December 12, 2006. (Doc. #1). This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge William M. Catoe to whom this case had previously been assigned. (Doc. #6). In the Report, the Magistrate Judge recommends that the District Court dismiss this action without prejudice and without service of process. (Doc. #6). The plaintiff filed objections to the report. (Doc. #9). The plaintiff has also filed two supplemental letters. (Doc. #12, Doc. # 13). In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not

objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

According to the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. In light of the United States Supreme Court decision in Jones v. Bock, 549 U.S. 199 (2007), decided after the Magistrate Judge issued the Report, this case is hereby remanded to the Magistrate Judge for further consideration including the possibility of issuing service of process on the defendants or issuing special interrogatories allowing the plaintiff to update the Court on the status of the administrative grievance process.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

December 23, 2008
Florence, South Carolina