

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Alonzo R. Brinkley, II,)	C/A No. 6:07-3626-JFA-KFM
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Sergeant Samuel Wilson,)	
)	
Defendant.)	
_____)	

The *pro se* plaintiff, Alonzo Brinkley, brings this action pursuant to 42 U.S.C. § 1983. He is an inmate with the South Carolina Department of Corrections (SCDC). In his complaint, plaintiff asserts that defendant Wilson (and three previous defendants who have since been dismissed for lack of service) violated his constitutional rights by verbally and physically abusing him during a lockdown process.

The Magistrate Judge assigned to this action¹ has prepared a thorough Report and Recommendation and opines that the defendant’s motion for summary judgment² should be granted. The Report sets forth in detail the relevant facts and standards of law on this matter,

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. 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 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 and Recommendation 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).

² An order was issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) notifying plaintiff of the summary dismissal procedure and possible consequences if he failed to adequately respond to the motion for summary judgment. Plaintiff did not respond to the motion.

and the court incorporates such without a recitation and without a hearing.

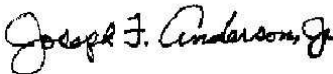
The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on June 15, 2010, however, he has not done so within the time limits prescribed.

As the Magistrate Judge correctly opines, plaintiff's claims fail on the merits. The plaintiff has not come forward with any evidence to prove his allegations, nor has he refuted the defendant's denial of involvement in the incident. Moreover, the plaintiff has failed to exhaust his administrative remedies, as is required under the Prison Litigation Reform Act.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper and incorporates the Report herein by reference. Accordingly, the defendant's motion for summary judgment is granted and this action is dismissed with prejudice.

IT IS SO ORDERED.

August 4, 2010
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge