

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

Terry Jerome Smith,)
)
Plaintiff,)
)
vs.)
)
Tom Fox, Director; Officer Eastridge;)
Officer Rushchioni, and Major Johnson,)
)
Defendants.)
_____)

Civil Action No.: 6:09-cv-3280-TLW-WMC

ORDER

The plaintiff, Terry Jerome Smith (“plaintiff”), filed this civil action *pro se* on December 28, 2009. (Doc. #1). The case was referred to United States Magistrate Judge William M. Catoe pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2)(d), DSC. The plaintiff filed an amended complaint on March 9, 2010. (Doc. #19). On March 30, 2010, the plaintiff filed a document that has been construed as a motion for a preliminary injunction. (Doc. #29).

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. (Doc. #40). In the Report, the Magistrate Judge recommends that the plaintiff’s motion be denied. (Doc. #40). The plaintiff filed objections to the report. (Doc. #42). 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).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Doc. #40). For the reasons articulated by the Magistrate Judge, the plaintiff's motion, (Doc. #29), is hereby **DENIED**.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

May 28, 2010
Florence, South Carolina