

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

Angelo Ham, also known as)
Angelo Bernard Ham,)
)
Plaintiff,)
)
v.)
)
Anthony J. Padula, John J. Brooks,)
Cpl. M. Williams, Jon Ozmint, Yvonne)
McDonald, Nurse Administrator at Lee)
C.I., Judy R. Rabon, Nurse Practioner at)
Lee C.I., Sandra Bracey-Simon, Debra)
Whitney,)
)
Defendants.)
_____)

C.A. No.: 6:10-cv-03058-JMC

ORDER

This matter is before the court for a review of the Magistrate Judge’s Report and Recommendation (“Report”), [Doc. 86], filed on February 2, 2012, recommending that Defendants’ Motions for Summary Judgment [Docs. 38 and 64] be granted. Plaintiff sought relief under 42 U.S.C. § 1983. The Report sets forth the relevant facts and legal standards which this court incorporates herein without a recitation.

The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this 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 to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge’s recommendation or recommit the matter with instructions. *See* 28

U.S.C. § 636(b)(1).

Plaintiff timely filed objections to the Magistrate Judge's Report [Doc. 39]. Objections to the Report must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. *See United States v. Schronce*, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Magistrate Judge's Report, 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 discerns the following objections by Plaintiff to the Magistrate Judge's Report. First, Plaintiff argues that Section 26 of South Carolina Department of Corrections ("SCDC") Policy No. OP-22.12, the policy limiting the amount of reading material that may be checked out by an inmate at one time, does not apply to legal material. Plaintiff has not provided the court with any evidentiary support of his assertion. Further, as noted in the Magistrate Judge's Report, Plaintiff has failed to demonstrate that any alleged deprivation of legal materials has prejudiced him.

Next, Plaintiff argues that Defendants were aware that he had been complaining of the same medical condition since 2008 and that such condition constituted a serious medical need. Defendants have submitted to the court the Affidavit of Nurse Practitioner Rabon and Plaintiff's medical records from SCDC [Doc. 38-3] which indicate that Plaintiff has been examined for his medical ailment on several occasions. Further, the Affidavit and medical records indicate that Plaintiff received treatment for his condition, which was determined not to require specialized medical treatment. The court finds that the Magistrate Judge correctly determined that Plaintiff has failed to demonstrate that his alleged medical condition constituted a serious medical need. Further,

the court finds that the Magistrate Judge was correct in the determination that Plaintiff has failed to show that Defendants exhibited deliberate indifference toward his medical needs.

After a thorough and careful review of the record and the Magistrate Judge's Report, the court finds that the Report provides an accurate summary of the facts and law in the instant case. The court accepts the Report of the Magistrate Judge and incorporates it herein by reference. Accordingly, Defendants' Motions for Summary Judgment [Docs. 38 and 64] are **GRANTED**.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

Greenville, South Carolina
February 24, 2012