

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

Stephen J. Guidetti, )  
)  
Plaintiff, )

C.A. No. 6:11-861-HMH-JDA

vs. )

**OPINION AND ORDER**

Governor Nikki Haley, in her personal )  
capacity as Nikki Haley of the state of )  
South Carolina; Attorney General )  
Alan Wilson, Attorney General state of )  
South Carolina, in his personal capacity as )  
Alan Wilson; Director William R. Byers, )  
Director of Department of Corrections state )  
of South Carolina, in his personal capacity )  
as William R. Byars; Director Marcia C. )  
Adams, Director state of South Carolina )  
Department of Motor Vehicles, in her )  
personal capacity as Marcia S. Adams; )  
Sheriff Steve Loftis, Sheriff Greenville )  
County state of South Carolina, in his )  
personal capacity as Steve Loftis; Sheriff )  
Deputy NFN Donahue, Sheriff Deputy state )  
of South Carolina, Sgt. Badge C-4, Troop 4, )  
\*828, in his personal capacity as Donahue; )  
Sheriff Deputy Alex R. Payne, Sheriff )  
Deputy state of South Carolina, in his )  
personal capacity as Alex R. Payne, )  
)  
Defendants. )

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Jacquelyn D. Austin, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 of the District of South Carolina.<sup>1</sup> Proceeding pro se, Stephen J. Guidetti

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<sup>1</sup> 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

(“Guidetti”) brought an action under 42 U.S.C. § 1983, alleging various violations to his constitutional rights. Magistrate Judge Austin found that the allegations in Guidetti’s complaint were frivolous and failed to state a claim upon which relief could be granted. (Report & Recommendation, generally.) Consequently, she recommends dismissing the complaint without prejudice and without issuance and service of process. On May 17, 2011, Guidetti filed objections to the magistrate judge’s Report and Recommendation.

Objections to the Report and Recommendation 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 Report and Recommendation of the magistrate judge, 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).

Upon review, the court finds that Guidetti’s objections to the magistrate judge’s Report and Recommendation are non-specific, unrelated to the dispositive portions of the Report, and merely restate his claims. Additionally, Guidetti contemporaneously filed with his objections a second amended complaint in which he alleges over twenty-five causes of action against numerous state actors. On May 18, 2011, however, he filed a motion to withdraw his second amended complaint. Guidetti’s motion is granted.

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U.S. 261, 270 (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).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Austin's Report and Recommendation.

It is therefore

**ORDERED** that Guidetti's complaint is dismissed without prejudice and without issuance and service of process. It is further

**ORDERED** that Guidetti's motion to withdraw his second amended complaint, docket number 22, is granted. It is further

**ORDERED** that Guidetti's motion to accept amended/rewritten complaint, docket number 18, is denied as moot.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
Senior United States District Judge

Greenville, South Carolina  
May 18, 2011

#### **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.