

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

Stephen John Guidetti,)
Plaintiff,) C.A. No. 6:11-1249-HMH-JDA
vs.)
County of Greenville; Sheriff Department;) **OPINION & ORDER**
Greenville County Detention Center; Steve)
Loftis, Sheriff; NFN Donahue, Deputy)
Sheriff; Alex R. Payne, Deputy Sheriff;)
Heatherly Brothers Auto Parts & Wrecker)
Service; Jim Heatherly; John Doe #1,)
Employee for Heatherly Brothers Auto)
Parts & Wrecker Service; John Does 1-10,)
address unknown at this time; Jane Does)
1-10, address unknown at this time;)
W. Walter Wilkes, Greenville County)
Attorney; Greenville County Council;)
Mayor Knox White; Vice Mayor Lillian)
Brock Flemming, District 2; Joe Dill,)
District 17 Councilmember; Joseph)
Baldwin, District 18 Councilmember;)
Wills Meadows, District 19)
Councilmember; Sid Cates, District 20)
Councilmember; Jim Burns, District 21)
Councilmember; Bob Taylor, District 22)
Councilmember; Xanthene Norris,)
District 23 Councilmember, Liz Seman,)
District 24 Councilmember, Lottie)
Gibson, District 25 Councilmember; Dan)
Rawls, District 26 Councilmember; Butch)
Kirven, District 27 Councilmember; Fred)
Payne, District 28 Councilmember;)
Judge Charles R. Garrett; Chick Springs)
Summary Court; Judge S. B. Keator,)
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.¹ Proceeding pro se, Stephen John Guidetti (“Guidetti”) brought this action pursuant to 42 U.S.C. §§ 1983, 1985, 1986, and 1988, alleging violations to his First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendment rights under the United States Constitution. Magistrate Judge Austin recommends dismissing all Defendants except Deputy Sheriff NFN Donahue (“Donahue”), Deputy Sheriff Payne (“Payne”), and unidentified John and Jane Does, finding that Guidetti has failed to state a claim upon which relief can be granted with respect to the remaining Defendants, or alternatively, that they are entitled to immunity. Guidetti filed objections to the Report and Recommendation on September 27, 2011 and October 19, 2011.

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).

¹ 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 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).

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. Therefore, 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 all Defendants except Donahue, Payne, and the unidentified "John Does 1-10" and "Jane Does 1-10" are dismissed without prejudice.

IT IS SO ORDERED.

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

Greenville, South Carolina
October 20, 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.