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

Terry J. Smith, Plaintiff, v. Mr. Moore, SCDC MD, and Ms. Enloe, SCDC NP, Defendants.	)	Civil Action No.: 6:11-2248-TLW-KFM

ORDER

On August 24, 2011, the Plaintiff, Terry J. Smith ("Plaintiff"), proceeding *pro se*, filed this civil action pursuant to 42 U.S.C. § 1983. (Doc. # 1).

The matter now comes before this Court for review of the Report and Recommendation ("the Report") filed by United States Magistrate Judge Kevin F. McDonald, to whom this case had previously been assigned. In the Report, the Magistrate Judge recommends that Defendants' Motion for Summary Judgment be granted and that any pending non-dispositive motions be denied as moot. (Doc. # 40). Objections were due by July 9, 2012. Although Plaintiff did not file his objections until July 18, 2012, the Court has reviewed and considered them. (Doc. # 43). In conducting its 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 hereby **ACCEPTS** the Report. (Doc. # 40). The Defendants' Motion for Summary Judge is **GRANTED**. (Doc. # 24). Plaintiff's Motion for Preliminary Injunction (Doc. # 35) and Plaintiff's Motion for an Extension of Time to File Objections (Doc. # 42) are terminated as **MOOT**.

IT IS SO ORDERED.

July 24, 2012
Florence, South Carolina

s/Terry L. Wooten
United States District Judge