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

Henry W. Martin, Jr.,) C/A NO. 6:12-1089-CMC-KFM
Plaintiff,)) OPINION and ORDER
V.) OF INTOIN and ONDER
 William R. Byars, Jr., Director; Dr. Moore, Director of Medical Service; Dr. T. Byrne, ACI; Dr. G. Amonitti, LCI; Nurse NFN Derrick, ACI Health Care Authority; Wayne C. McCabe, Warden LCI; Jamie R. Wressey, RN, Health Care Authority, SC Dept of Corrections; Daniel Murphy, Dept Corrections Division Inspection, SCDC; Althea B. Myers, Chief Deputy, Office of Investigation & Enforcement; Chatherine Templeton, Director LLR; Nancy Murphy, Administrative Board of Nursing; David M. Tatarsky, DOC, Office of General Counsel; Ann Hallman, DOC, Branch Chief, Inmate Grievance Branch; Blake Taylor, DOC, Compliance, Standard and Inspections; Lesia Kudelka, LLR, Communications Director; Mark Dorman, LLR-OIE, Assistance Deputy Director; Mark Sanders, Investigator LLR-OIE; John R. Pate, Warden, Allendale Correction Institution; Authur A. Jordam, Jr., Associate Warden; Cpl. T Simpson, Allendale Correctional Institution; Cpl. Melvin Drayton, Allendale Correction Institution; McKenndly Newton, Associate Warden, Allendale Correction Institution; E. Grimes, Capital, Allendale Correction Institution; Dr. Joni Stanford, SC Dept of Correction, Physician; Elizabeth Holcomb, Nurse Praction, Lieber Correction Institution; Lisa Hopolomber, Nurse Practice, Lieber Correction Institution; Star Connelly, Nurse Practice, Lieber Correction Institution; L. Newsom, Nurse, RN, Lieber Correction 	
Institution; Carolyn Tyson, Nurse, RN, Lieber Correction Institution; Joseph McFadden,)

Associate Warden, Lieber Correction Institution; Sylna Jones, Mail Room Supervisory, Lieber Correction Institution; Luclnecia Bryant, Mail Room Assistant, Lieber Correction Institution; Rose Montee, Business Office, Lieber Correction Institution; Dr. Rowland Crafts, SC Department of) Corrections; Gregory S. Line, Director of Claims; Charlotte Smith, Claims Adjuster; Ellen Goodwin, SC State Accident Fund; Russell Rush, SC Department of Corrections: Jim Crosby. SC Department of Corrections; Susan S. Barden, SC Workers' Compensation; Virginia Crocker, Judicial Director; Christopher D. Florian, Staff Attorney; Dr. Marsha Koller, Director of Health Service; Stanley Clark, Captain, Lieber Correction) Institution; Sgt. Robert Mincely, Lieber Correction) Institution; Cpl. Earl Barrett, Lieber Correction Institution; Thierry Nettler, Major, Lieber Correction Institution; Fred R. Thompson, Associate Warden; Dagles Westely, III, Kirkland Librarian; and Paticira [sic] Cook, Classification Case Work,

Defendants.

This matter is before the court on Plaintiff's *pro se* complaint, filed in this court pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings and a Report and Recommendation ("Report"). On October 30, 2012, the Magistrate Judge issued a Report recommending that Defendants Rowland Crafts, Gregory S. Line, Charlotte Smith, Ellen Goodwin, Russell Rush, Jim Crosby, Susan S. Barden, Virginia Crocker, Christopher D. Florian, Dr. Marsha Koller, Stanley Clark, Robert Mincely, Earl Barrett, Thierry Nettler, Fred R. Thompson, Dagles Westely, III, and Paticira [sic] Cook be dismissed from this matter without prejudice and

without service of process. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. After seeking and being granted two extensions of time to respond to the Report, Plaintiff has filed no objections and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a 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 to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.") (citation omitted).

After reviewing the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order. Defendants Rowland Crafts, Gregory S. Line, Charlotte Smith, Ellen Goodwin, Russell Rush, Jim Crosby, Susan S. Barden, Virginia Crocker, Christopher D. Florian, Dr. Marsha Koller, Stanley Clark, Robert Mincely, Earl Barrett, Thierry Nettler, Fred R. Thompson, Dagles Westely, III, and Paticira [sic] Cook are dismissed from this matter without prejudice and

without issuance and service of process. This matter is returned to the Magistrate Judge for further pretrial proceedings.

IT IS SO ORDERED.

s/ Cameron McGowan Currie CAMERON McGOWAN CURRIE UNITED STATES DISTRICT JUDGE

Columbia, South Carolina January 2, 2013