

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

Henry W. Martin, Jr., )  
)  
Plaintiff, )

C/A NO. 6:12-1089-CMC-KFM

v. )

**OPINION and ORDER**

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; McKennedly 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, )



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 Nettle, 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