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

Jerry W. Nelson, Plaintiff, v. South Carolina Department of Corrections, et al., Defendants.	)	C/A No.: 6:12-2066-JFA-KFM ORDER

The *pro se* plaintiff, Jerry Nelson, brought an action against the defendants in state court alleging various claims of sexual assault, failure to protect, and abuse. The defendants removed the action to this court on July 23, 2012 under 42 U.S.C. § 1983. The plaintiff has filed a motion for a temporary restraining order (TRO).

The Magistrate Judge assigned to this action[1] has prepared a Report and Recommendation wherein he suggests that this court should deny the plaintiff's motion for a TRO. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation and without a hearing.

The plaintiff was advised of his right to file objections to the Report and Recommendation and the plaintiff filed timely objections thereto. The court has conducted

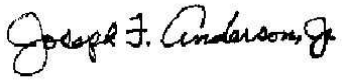
[1] The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

the required *de novo* review and finds the plaintiff's objections are without merit, and they are thus overruled.

The Magistrate Judge has reviewed the plaintiff's motion for a TRO under the appropriate standards of law and opines that the plaintiff has failed to show that he is clearly entitled to the relief sought. This court has also carefully reviewed the record, the applicable law, the Report and Recommendation, and the objections thereto, and finds the Magistrate Judge's recommendation to be proper and incorporates the Report herein by reference.

Accordingly, the plaintiff's motion for a temporary restraining order is denied. The Clerk is directed to return this file to the Magistrate Judge for further handling and to make a determination on the plaintiff's request to amend his complaint.

IT IS SO ORDERED.



April 9, 2013
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge