UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Calvin Wilson, #257562, Plaintiff, vs. Officer Gladson; Greenville County; City of Greenville; Johnathan Reese; John Does, one through fifteen, Defendants.	)	Civil Action No. 6:13-1864-TMC-KFM **ORDER**

The plaintiff, Calvin Wilson ("Wilson"), filed this action *pro se* and *in forma pauperis*, pursuant to 42 U.S.C. § 1983, alleging that defendants used excessive force in executing his arrest.

Pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), D.S.C., all pre-trial matters have been referred to a magistrate judge. This case is now before the court on the magistrate judge's Report and Recommendation ("Report"), recommending that the court dismiss the two municipal defendants, Greenville County and the City of Greenville, without prejudice and without issuance and service of process. (ECF No. 9.) The magistrate judge's recommendation has no presumptive weight and this court retains the responsibility to make a final determination. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report to which a party specifically objects, and the court may accept, reject, or modify, in whole or in part, the magistrate judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

In this case, Wilson filed a motion for an extension of time to object to the Report. (ECF No. 15.)[1] Federal Rule of Civil Procedure 6(b) allows the court to grant an extension of time for good cause. Fed. R. Civ. Proc. 6(b)(1). Here, Wilson requests an extension because he "was ignorant of all the facts and his ability to submit a proper complaint stating a claim against the said Defendants." (ECF No. 15.) While the court routinely grants extensions, even liberally construing the basis for the request, Wilson has failed to show good cause.

In light of his motion's inadequate support, the court has instead construed Wilson's request as an objection and has conducted a *de novo* review of the Report. After a thorough review of the entire record, including the pleadings and the Report, it is clear that because of the nature of the magistrate judge's aptly reasoned recommendation, any specific objections would necessarily take the form of new claims. The correct way for Wilson to assert those claims would be through a new complaint, not objections to the Report.

Accordingly, after a thorough review, the court adopts the Report and incorporates it herein. Defendants City of Greenville and Greenville County are hereby dismissed without prejudice and without issuance and service of process. In addition, Wilson's motion for extension of time (ECF No. 15) is denied.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Court Judge

August 19, 2013
Anderson, South Carolina

[1] Wilson's request was stamped as received by the prison mailroom on August 5, 2013, the deadline for filing objections to the Report. Pursuant to *Houston v. Lack*, 487 U.S. 266 (1988), the request is deemed filed on that date.

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.