



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

ONDRE TREVEZ HUNTER.

Plaintiff,

vs.

FLORENCE COUNTY DETENTION
CENTER; KENNY BOONE, The Head
Sheriff; JOEY NORRIS, The Major; and
JOYCE BRUNSON, The Captain,
Defendants.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 6:16-00031-MGL-KFM

ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND DISMISSING FLORENCE COUNTY DETENTION CENTER
WITHOUT PREJUDICE AND WITHOUT SERVICE OF PROCESS

This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the Florence County Detention Center be summarily dismissed without prejudice and without service of process. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (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 with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on January 12, 2016, and the Clerk of Court entered Plaintiff's objections to the Report on January 21, 2016. The Court has reviewed the objections, but finds them without merit. Therefore, it will enter judgment accordingly.

In his objections, Plaintiff agrees with the Magistrate Judge's recommendation that Defendant Florence County Detention Center be summarily dismissed. Plaintiff additionally notes his desire to continue pursuing his action against the three remaining Defendants. As Plaintiff's objections appear to support, rather than oppose, the Report, the Court overrules Plaintiff's objections to the extent they contradict the Report. The Court points out that the Magistrate Judge authorized service of process on the three remaining Defendants, ECF No. 9, and the case remains pending as to those Defendants.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court that Defendant Florence County Detention Center is hereby **DISMISSED WITHOUT PREJUDICE** and without service of process.

IT IS SO ORDERED.

Signed this 21st day of January, 2016, in Columbia, South Carolina.

s/ Mary Geiger Lewis _____
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.