

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

Benjamin Davis Bowden,

Plaintiff,

v.

Greenville County Detention Health Services,
Tracy Krein, Kim Olszewski

Defendants.

C/A No. 6:16-cv-01952-TLW

ORDER

Plaintiff Benjamin Davis Bowden, a pre-trial detainee proceeding *pro se* and *in forma pauperis*, filed this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. ECF No. 1. The matter now comes before this Court for review of the First Report and Recommendation (the First Report), ECF No. 12, and the Second Report and Recommendation (the Second Report), ECF No. 35, filed by United States Magistrate Judge Kevin F. McDonald, to whom this case was assigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2), (D.S.C.).

In the First Report, the Magistrate Judge recommends that the Court summarily dismiss Defendant Greenville County Detention Health Services pursuant to 28 U.S.C. § 1915A. ECF No. 12. Objections to the First Report were due on July 25, 2016, and Plaintiff has not filed objections.

On November 26, 2016, Defendants Krein and Olszewski filed a Motion for Summary Judgment arguing that Plaintiff received adequate medical care, Plaintiff failed to exhaust his administrative remedies, Defendants are entitled to qualified immunity, and the claims are barred by the Eleventh Amendment. ECF No. 24. The Second Report recommends dismissal of

Plaintiff's claims. ECF No. 35. The deadline to object to the Second Report was January 25, 2017. However, Plaintiff failed to file objections to the Second Report.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983).

This Court has carefully reviewed, *de novo*, the Report and Recommendations, the record, and the applicable law in this case. Noting that Plaintiff filed no objections to the First Report, the First Report, ECF No. 12, is hereby **ACCEPTED**. The record reflects that the deadlines for Plaintiff to respond to Defendants' motion were extended by the Court. However, Plaintiff failed to file a response to Defendants' motion for summary judgment. In addition, Plaintiff has not filed objections to the Second Report. For these reasons and those articulated by the Magistrate Judge, the Second Report, ECF No. 35, is hereby **ACCEPTED**, and the Plaintiff's Complaint, ECF No. 1, is **DISMISSED** without prejudice.¹

IT IS SO ORDERED.

s/Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

June 29, 2017
Columbia, South Carolina

¹ This Court notes that the Plaintiff did not respond to the Defendants' Motion for Summary Judgment. The analysis in that filing supports dismissal of this action on the merits as to Defendants Krein and Olszewski. However, in light of the Court's dismissal of this action, Defendants' Motion for Summary, ECF No. 24, is deemed **MOOT**.