

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

Benjamin Davis Bryant,)
)
 Plaintiff,)
)
 vs.)
)
 J. Reuben Long Detention Center, Phillippe E.)
 Thompson, Wayne M. Owens, Joey Johnson,)
 Christine Snyder,)
)
 Defendants.)
 _____)

C/A No.: 6:16-cv-02905-TLW

ORDER

Plaintiff Benjamin Davis Bryant, proceeding *pro se* and *in forma pauperis*, filed this action on August 22, 2016, alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. ECF No. 1. This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed on September 16, 2016, by United States Magistrate Judge Kevin F. McDonald, ECF No. 19, to whom this case was assigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d), (D.S.C.). In the Report, the Magistrate Judge recommends that the Court dismiss Defendant J. Reuben Long Detention Center without prejudice and without issuance and service of process pursuant to § 1915A. Plaintiff filed Objections to the Report on September 30, 2016. ECF No. 22. This matter is now ripe for disposition.

In conducting its review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections.... The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are

addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court has reviewed, *de novo*, the Report and the Plaintiff's summary objections to the Report. Accordingly, the Court hereby **ACCEPTS** the Report, ECF No. 19. Plaintiff's Objections, ECF No. 22, are **OVERRULED**. For the reasons stated in the Report and those stated herein, Defendant J. Reuben Long Detention Center is **DISMISSED** without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/Terry L. Wooten
Chief United States District Judge

June 28, 2017
Columbia, South Carolina