

contends that he was tried in General Sessions court and found “not guilty” of the charges but was still required to attend a disciplinary hearing for the same charges in October 2021. (Id.) He argues the disciplinary hearing was flawed because he did not have access to certain evidence or witnesses based on the age of the offense (Id. at 9.) Plaintiff believes that Ms. Daniels-Moore was not impartial and wrongfully found him guilty of the disciplinary charge (Id. at 9-10.) As a result of the charge, Plaintiff was sanctioned the loss of 12 days of good time and sentenced to time served on maximum security (Id. at 9).

Banner further claims his ongoing stay in solitary confinement is cruel and unusual punishment. (DE 1, p. 11.) Plaintiff contends that his equal protection rights have been violated because other inmates had their disciplinary charges dismissed if their hearings did not occur within 21 days. (Id. at 10.) Banner alleges his disciplinary charge violated double jeopardy since he was found not guilty of the charges in General Sessions court. (Id.) Banner contends he exhausted his state court remedies by appealing his disciplinary conviction to the South Carolina Administrative Law Court. (Id. at 15; see DE 1-1.) Plaintiff’s alleged injuries include the loss of 12 days of good time and emotional pain and suffering. (DE 1, p. 12.) For relief, Banner seeks to have his disciplinary conviction overturned, his good time restored, and money damages. (Id.)

The Report was issued on March 24, 2023, recommending this action be dismissed with prejudice for failure to file an amended complaint within the time provided and for failure to comply with a court order. (DE 12.) On April 20, 2023, Banner filed a Notice stating that he “[...] has no objections to make in the matter.” (DE 15). In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court must “only

satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Accordingly, after a thorough review of the Report and Recommendation and the record, the Court finds no clear error on the face of the record, and the Court adopts the Report (DE 12) and incorporates it here.

It is, therefore, **ORDERED** that Plaintiff’s action is dismissed with prejudice and without leave for further amendment.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph Dawson III". The signature is written in a cursive style with a large initial "J" and "D".

Joseph Dawson, III
United States District Judge

Florence, South Carolina
November 3, 2023

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.