

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

Mark Lott,

Plaintiff,

v.

Diana Barfield, Ron Lawrenz, Eric Ramos,
Lisa Young,

Defendants.

Case No. 6:24-cv-05341-RMG

ORDER AND OPINION

Before the Court is the Report and Recommendation (R&R) of the Magistrate Judge recommending that Plaintiff's claims be dismissed. (Dkt. No. 8). Plaintiff objected. (Dkt. No. 11). For the reasons set forth below, the Court adopts the R&R as the Order of the Court, dismissing Plaintiff's complaint. (Dkt. No. 1).

I. Background

Plaintiff Mark Lott, proceeding *pro se* and *in forma pauperis*, brings this § 1983 action alleging that Defendants violated his constitutional rights. (Dkt. No. 1). Specifically, Plaintiff claims that on July 10, 2024, Defendants were responsible for Plaintiff's medical shoes being taken. (*Id.* at 5-6). Plaintiff alleges that his replacement shoes hurt his feet and that his complaints to Defendants were ignored for days until his medical shoes were returned on July 25, 2024. (*Id.*). The plaintiff's injuries include bruises on his feet, swelling in his feet, knots on his feet, and re-aggravation of injuries to his feet. (*Id.* at 6).

II. Legal Standard

A. Review of R&R

The Magistrate Judge makes only a recommendation to this Court that has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v.*

Weber, 423 U.S. 261, 270-71 (1976). The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Where the plaintiff objects to the R&R, the Court “makes a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* Where the plaintiff has not objected to the R&R, the Court reviews the R&R only to “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72 advisory committee's note; *see also Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983) (“In the absence of objection ... we do not believe that it requires any explanation.”).

III. Discussion

Plaintiff alleges that Defendants violated his rights when his medical shoes were taken away for two weeks while in custody. (Dkt. No. 1 at 5–6). As the Magistrate Judge noted, Plaintiff's § 1983 claims are evaluated under the Due Process Clause of the Fourteenth Amendment, which requires balancing the individual's liberty interests against the relevant state interests, but “deference must be given to decisions of professionals.” *Youngberg v. Romeo*, 457 U.S. 307, 321 (1982). Further, decisions by professionals are presumptively valid and liability may be imposed only when their decisions “is such a substantial departure from accepted professional judgment, practice, or standards as to demonstrate that the person responsible actually did not base the decision on such a judgment.” *Youngberg*, 457 U.S. at 323.

The Magistrate Judge correctly concluded that Defendants exercised professional judgment in determining that the medical shoes needed to be removed, and that the Court should refrain from interfering with the operation of state institutions relating to security determinations. In balancing state interests against Plaintiff's liberty interests, and giving deference to professional

decisions, the Court finds Plaintiff's complaint fails to state a claim upon which relief may be granted. Lastly, the Magistrate Judge correctly noted that deprivations of property by state employees does not violate the Due Process clause if there is a meaningful post-deprivation remedy, which exists in South Carolina.

After examination of the record, the R&R and objections, this Court agrees with the Magistrate Judge's conclusion that Plaintiff's claims be dismissed. (Dkt. No. 8).

IV. Conclusion

In light of the foregoing, the Court **ADOPTS** the R&R (Dkt. No. 8) as the Order of the Court and **DISMISSES** Plaintiff's complaint without prejudice (Dkt. No. 1).

AND IT IS SO ORDERED.

s/ Richard M. Gergel
Richard Mark Gergel
United States District Judge

November 26, 2024
Charleston, South Carolina