



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

MR. RONNIE LEE CASH,
Plaintiff,

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vs.

CIVIL ACTION NO. 7:16-3654-MGL-PJG

RONNIE D. HORN, RITCHIE STRAWN,
TONY E. BROWN, MICHAEL R. WILHERE,
JOHN SMOAK, JASON YOWN, RAYMOND
GIST, ROBERT COLER, KIMBERLY
LESKANIC, MARK KITCHEN,
Defendants.

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND DISMISSING DEFENDANTS ROBERT COLER, KIMBERLY LESKANIC, AND
MARK KITCHEN WITHOUT ISSUANCE AND 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 the claims in the Amended Complaint against Defendants Robert Coler, Kimberly Leskanic, and Mark Kitchen be dismissed without issuance and service 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 April 28, 2017, and the Clerk of Court entered Plaintiff's objections to the Report on May 15, 2017. Plaintiff agrees dismissal is appropriate. *See* Objections 1 (asking the Court for "WITHDRAWAL OF THE AMENDED COMPLAINT[,] " which first named these three defendants).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court the claims in the Amended Complaint against Defendants Coler, Leskanic, and Kitchen are **DISMISSED** without issuance and service process..

IT IS SO ORDERED.

Signed this 19th day of September, 2017, 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.