

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

Shannon Miles Lancaster, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Justin Horton and Lorin Williams, )  
 )  
 Defendants. )  
\_\_\_\_\_ )

C/A No. 7:17-151-TMC

**ORDER**

Plaintiff Shannon Miles Lancaster (“Lancaster”), an inmate proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983. On February 1, 2017, the magistrate judge filed a Report and Recommendation (“Report”) in which she recommended that this action be dismissed without prejudice and without issuance and service of process. (ECF No. 9). Lancaster timely filed objections. (ECF No. 11).

The magistrate judge makes only a recommendation to the 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, 270-71 (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 court is obligated to conduct a de novo review of every portion of the magistrate judge’s report to which objections have been filed. *Id.* However, the court need not conduct a de novo review when a party makes only “general and conclusory objections that do not direct the court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v.*

*Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). In the absence of a timely filed, specific objection, the magistrate judge's conclusions are reviewed only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Briefly, Lancaster is pre-trial detainee at the Spartanburg County Detention Center awaiting trial on several state charges. In this action, he is suing Justin Horton and Lorin Williams, narcotics investigators with the Spartanburg County Sheriff's Office, in their official capacities. (Compl. at 2-3). Lancaster alleges Fourth Amendment violations in regard to a search and seizure of a car where he was a passenger on March 15, 2016. *Id.* at 4. As a result of the search, Lancaster alleges the officers recovered \$5,683 and a "small amount of drugs." *Id.* at 5. He alleges he was under the influence of drugs and was tricked into forfeiting the money. *Id.* He is seeking the dismissal of the pending state charges, the setting of a bond, the return of the money seized, and punitive damages.

In her Report, the magistrate judge recommends that the court dismiss this action without prejudice and without issuance and service of process for several reasons. First, as to the false arrest claim, the magistrate judge concludes that Lancaster fails to state a false arrest claim because a grand jury indicted Lancaster. (Report at 4). As for the allegations regarding the taking of the money after the search, the magistrate judge concludes that Lancaster has adequate state postdeprivation remedies. *Id.* at 5. And finally the magistrate concludes that the complaint is barred by *Younger v. Harris*, 401 U.S. 37 (1971) (holding that federal courts should not interfere with state criminal proceedings except in the most narrow and extraordinary of circumstances), because Lancaster can raise his claims in state court. (Report at 6-7).

In his objections, Lancaster merely restates his allegations and does not address the recommendations in the Report. Therefore, after a thorough review of the Report and the record in this case pursuant to the standard set forth above, the court finds Plaintiff Lancaster's objections are without merit and adopts the Report (ECF No. 9), and this action is **DISMISSED**

without prejudice and without service of process.

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

February 23, 2017  
Anderson, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.