

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Jimmy Campbell, Jr., #274477,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 8:08-3805-TLW-BHH
)	
)	
)	ORDER
Robert Fitzsimmons, Attorney; Jarrett)	
Douglas, Officer; Charles Gonzalez,)	
Officer; Carol A. McCurry, Solicitor;)	
Barbara McIlwain, Victim,)	
)	
Defendants.)	
)	

Pro se Plaintiff Jimmy Campbell (“Plaintiff”), brought this civil action pursuant to 42 U.S.C. § 1983 on November 18, 2008. (Doc. #1.) Plaintiff also moved for leave to proceed *in forma pauperis*. (Doc. #2.) This matter was referred to United States Magistrate Judge Bruce Howe Hendricks pursuant to 28 U.S.C. § 636(b) and Civil Rule 73.02(B) (D.S.C.). On January 6, 2009, Judge Hendricks granted Plaintiff’s motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (Doc. #10.) In accordance with this same statute, Judge Hendricks reviewed Plaintiff’s complaint *sua sponte* under the provisions found in Section (e), and filed a Report and Recommendation (the “Report”). (Doc. #11.)

This matter now comes before this Court for review of the Report. In the Report, the Magistrate Judge recommends that the District Court dismiss the Plaintiff’s Complaint for failure to state a claim upon which relief can be granted. Id.

On January 27, 2009, the Plaintiff filed objections to the report (the “Objections”). (Doc. #13.) Thereafter, the Court reviewed the Report and the Plaintiff’s Objections. In conducting this

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 Objections. After careful review of the Report and Objections thereto, the Court **ACCEPTS** the Report, (Doc. #11), and dismisses Plaintiff's Complaint without prejudice.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

March 12, 2009
Florence, South Carolina