Rutland v. Dewitt et al Doc. 23

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

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William Howard Rutland III,
a/k/a William H. Rutland, III,

Plaintiff,

v.

Wayne DeWitt, Berkeley County Sheriff; Captain Barry Currie, Berkeley County Sheriff's Department; Lieutenant Butch Rivers, Berkeley County Sheriff's Department; Sargent Rosemary Sanders, Berkeley County Sheriff's Department; Hill-Finklea Detention Center,

Defendants.

Civil Action NO. 8:09-13-SB-BHH

ORDER

This matter is before the Court upon the Plaintiff's pro se complaint, filed pursuant to 42 U.S.C. § 1983. By local rule, the matter was referred to a United States Magistrate Judge for preliminary determinations.

On February 10, 2009, Magistrate Judge Bruce Howe Hendricks issued a report and recommendation ("R&R") analyzing the Plaintiff's complaint and amended complaint and recommending that the Court dismiss Defendant Hill-Finklea Detention Center because it is not a "person" amenable to suit under 42 U.S.C. § 1983. The Magistrate Judge also recommends that the pleadings be served upon the remaining Defendants. Attached to the R&R was a notice advising the Plaintiff of his right to file specific, written objections to the R&R within ten days of the date of service of the R&R. To date, no objections have been filed.

Absent timely objection from a dissatisfied party, a district court is not required to

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review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the Plaintiff did not file any specific, written objections, the Court need not conduct a de novo review of any portion of the R&R. Accordingly, the Court hereby adopts the Magistrate Judge's R&R as the Order of this Court, and it is

ORDERED that Defendant Hill-Finklea Detention Center is dismissed from this action without prejudice and without issuance and service of process. It is further **ORDERED** that the pleadings be served upon the remaining Defendants. Finally, because there seems to be some issue with respect to the Plaintiff's mailing address, the Plaintiff is specifically reminded of his obligation to keep the Court updated of his correct mailing address at all times while this suit is pending.

IT IS SO ORDERED.

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Sol Blatt, Jr.
Senior United States District Judge

March 13, 2009
Charleston, South Carolina