

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

Reginald C. Mack,)	
)	
Plaintiff,)	C.A. No. 8:10-1275-HMH-BHH
)	
vs.)	OPINION & ORDER
)	
Lexington County; Trinity Food Service,)	
food providers at LCDC; and)	
Lexington County Detention Center,)	
)	
Defendants.)	

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Bruce Howe Hendricks, made in accordance with 28 U.S.C. § 636(b)(1) (2006) and Local Civil Rule 73.02 of the District of South Carolina.¹ Reginald C. Mack (“Mack”), a state detainee proceeding pro se, brought an action under 42 U.S.C. § 1983 alleging various violations to his civil rights. In her Report and Recommendation, Magistrate Judge Hendricks recommends partially dismissing the complaint without prejudice and without issuance and service of process as to Lexington County and Lexington County Detention Center only. (Report and Recommendation 5.)

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See 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 and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1) (2006).

Mack filed objections to the Report and Recommendation identifying Jame Mett² and Trinity Food Service as the proper defendants in this case. The court construes Mack's objection as a request to amend his complaint and grants this request. The court dismisses Lexington County and Lexington County Detention Center. Based on the foregoing, the court adopts Magistrate Judge Hendricks' Report and Recommendation.

Therefore, it is

ORDERED that the complaint is dismissed without prejudice and without issuance and service of process as to Lexington County and Lexington County Detention Center only. It is further

ORDERED that Mack's request to amend his complaint to add James Mett³ and Trinity Food Service as defendants is granted and this case is remanded to the magistrate judge for further consideration.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
June 30, 2010

² The court believes that the proper spelling is James Metts.

³ Id.