

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

Michael Poplin,)	
)	
Plaintiff,)	C.A. No. 8:10-1311-HMH-BHH
)	
vs.)	OPINION & ORDER
)	
Lexington County Detention Center, and)	
Trinity Food Service, food providers at)	
LCDC,)	
)	
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 Michael Poplin (“Poplin”), 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 Detention Center only. (Report and Recommendation 4.)

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).

Poplin filed objections to the Report and Recommendation identifying Jame Mett² and Major Queggs, the Lexington County Detention Center curator, as proper defendants in this case. The court construes Poplin's objection as a request to amend his complaint and grants this request. The court dismisses Lexington County Detention Center as a defendant. 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 Detention Center only. It is further

ORDERED that Poplin's request to amend his complaint to add Jame Mett³ and Major Queggs 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
July 12, 2010

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

³ Id.