

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

Ray Edward Wells,	)	C/A NO. 8:10-1490-CMC-BHH
	)	
Plaintiff,	)	
	)	<b>OPINION and ORDER</b>
v.	)	
	)	
Spartanburg County Detention Facility	)	
Employees; Warden, Larry W. Powers;	)	
Medical Staff; Cpl. T. Brown; and Nurse	)	
Susan Blackwell,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the court on Plaintiff's *pro se* complaint, filed in this court pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Bruce Howe Hendricks for pre-trial proceedings and a Report and Recommendation ("Report"). On October 26, 2010, the Magistrate Judge issued a Report recommending that Plaintiff's motion to Amend and for Preliminary Injunction and Temporary Restraining Order (Dkt. # 67, filed July 23, 2010) be denied. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the

court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a 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 to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After considering the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the Report and its conclusions. Therefore, the court adopts and incorporates the Report by reference in this order.

Plaintiff's Motion to Amend and for Preliminary Injunction (Dkt. # 67) is denied.<sup>1</sup>

This matter is returned to the Magistrate Judge for further pretrial proceedings.

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
November 23, 2010

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<sup>1</sup>The denial of Plaintiff's motion to amend is without prejudice, as it appears Plaintiff may have submitted a properly supported motion to amend in response to the Report of the Magistrate Judge. Defendants have filed a motion for summary judgment and it may be that any amendment at this point would be untimely and/or futile. However, this matter is best reviewed in the first instance by the Magistrate Judge to whom this matter is assigned.