

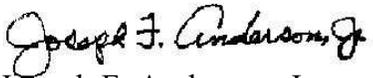
resolution.

Plaintiff's alleges that while he was being held at the Greenville County Detention Center, Defendant Williams opened and read his legal mail outside his presence in violation of institutional procedures and federal law. Plaintiff contends that defendants Mitchell and Pivovarnik sent legal papers to the plaintiff and they should have had the papers hand delivered and sealed. The Magistrate Judge properly opines that defendants Mitchell and Pivovarnik are absolutely immune from plaintiff's claims for damages and are entitled to summary dismissal. *Butz v. Economou*, 438 U.S. 478 (1978) (prosecutorial immunity extends to officials performing certain functions analogous to those of a prosecutor).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and defendants Mitchell and Pivovarnik are dismissed from this action with prejudice. This matter shall remain before the Magistrate Judge pending review of the remaining defendants' motion for summary judgment.

IT IS SO ORDERED.

October 5, 2011
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge