

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

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|-----------------------------------------------|---|--------------------------|
| Stevie Aiken, |) | C/A No. 8:12-205-JFA-JDA |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| Colleton County Detention Center; Cpl. Grant; |) | |
| Ofc. Cook; Ofc. Roberts; Deputy Lance; and |) | |
| Charles Feaser, |) | |
| |) | |
| Defendants. |) | |
| |) | |

The *pro se* plaintiff, Stevie Aiken, brings this action pursuant to 42 U.S.C. § 1983 raising a constitutional violation claim involving an alleged hazardous shower condition at the Colleton County Detention Center (CCDC) where he was a pretrial detainee. Specifically, the plaintiff contends that despite his repeated notices to prison officials about a shower leak that needed repair, the plaintiff slipped and fell in a puddle of water while getting out of the shower. The plaintiff is now incarcerated at the South Carolina Department of Corrections. He seeks \$16 million in damages.

The Magistrate Judge assigned to this action¹ has prepared a Report and

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. 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. *Mathews v. Weber*, 423 U.S. 261 (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, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1).

Recommendation and opines that the defendants' motion to dismiss should be granted.² The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The parties were notified of their right to file objections to the Report and Recommendation which was issued and mailed on August 6, 2012. The plaintiff requested, and was granted, an extension of time with a firm deadline of September 10, 2012 to file objections. The plaintiff did not file objections to the Report and the time within which to do so has expired. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation.

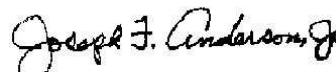
See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference.

Accordingly, the defendants' motion to dismiss (ECF No. 30) is granted and this action is dismissed with prejudice. Plaintiff's motion for summary judgment (ECF No. 40) is denied.

IT IS SO ORDERED.

September 18, 2012
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge

² An order was issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) notifying plaintiff of the summary dismissal procedure and possible consequences if he failed to adequately respond to the motion for summary judgment. Plaintiff responded to the motion.