

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

Calvin L. Gaddy,)	C/A No.: 8:12-3549-JFA-JDA
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Mr. Robert Ward; Mrs. Ann Hallman;)	
Warden Larry Cartledge; Amy Machann;)	
and Attorney General's Office,)	
)	
Defendants.)	
)	
_____)	

The *pro se* plaintiff, Calvin L. Gaddy, brings this action pursuant to 42 U.S.C. § 1983 claiming violations of his constitutional rights by the defendants with regard to the process and results of a prison disciplinary hearing. At the time the complaint was filed, the plaintiff was incarcerated at the Perry Correctional Institution of the South Carolina Department of Corrections. He is now housed at the Lieber Correctional Institution.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation² suggesting that plaintiff's motion for a preliminary injunction is moot.

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 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. 28 U.S.C. § 636(b)(1).

² The Magistrate Judge's first Report and Recommendation (ECF No. 32) suggested dismissal of defendant Donald Altman because he was a fellow prisoner at PCI. The court adopted the Report and dismissed defendant Altman. The plaintiff then filed an interlocutory appeal of that order. The Fourth Circuit Court of Appeals dismissed the interlocutory appeal on August 27, 2013.

The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation and without a hearing.

The plaintiff was advised of his right to file objections to the Report and Recommendation which was docketed on August 6, 2013. The plaintiff filed an objection memorandum which appears to support the claims contained in his original complaint without specifically addressing the Report and Recommendation. The court has conducted the required *de novo* review of the objections and finds them to be without merit.

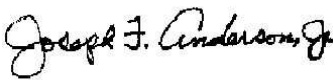
As the Magistrate Judge correctly notes, the Fourth Circuit has held that a prisoner's transfer moots requests for declaratory and injunctive relief. *See Williams v. Griffin*, 952 F.2d 820 (4th Cir. 1991). Here, when plaintiff was transferred from Perry Correctional Institution to Lieber Correctional Institution, his claims for injunctive relief against the defendants were rendered moot.

After a careful review of the record, the applicable law, the Report and Recommendation, and the objections thereto, the court adopts the Magistrate Judge's recommendation and incorporates the Report herein by reference. Accordingly, plaintiff's motion for a preliminary injunction (ECF No. 21) is moot.

The Clerk shall return this file to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

September 11, 2013
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge