

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

De'Angelo Harrison, #330576,)
)
 Plaintiff,)
)
 v.)
)
)
 South Carolina Department of Corrections;)
 Medical Staff at Allendale C.I.;)
 Bryne Thomas a/k/a Thomas Byrne;)
 Pamela C. Derrick; John Solomon, PHD;)
 Director of Medical John Tomarching;)
 Levern Cohen; Lieutenant S. Watson;)
 Chris R. Lloyd; George J. Amonitti;)
 Karina M. Callaway; Ella L. Simmons;)
 and Dr. Elkins,)
)
 Defendants.)
 _____)

Civil Action No 8:14-cv-01196-JMC

ORDER

Plaintiff brought this action seeking relief pursuant to Title 42 U.S.C. §1983. This matter is before the court for review of the magistrate judge's Report and Recommendation ("Report"), [ECF No. 87], filed on October 6, 2014, recommending that the Initial Moving Defendants' Motion to Dismiss [ECF No. 52] be denied and Defendant George J. Amonitti's ("Amonitti's") Motion to Dismiss [ECF No. 83] be denied. The Report sets forth in detail the relevant facts and legal standards on these matters which the court incorporates herein without a recitation.

The magistrate judge's Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility

to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the magistrate judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Plaintiff was advised of his right to file objections to the Report [ECF No. 87-1). However, Plaintiff filed a two-page Motion for Opposition [ECF No. 90] describing why Defendant Amonitti's Motion to Dismiss should be denied. However, the magistrate judge recommended that this court deny that motion.

Therefore, after a thorough and careful review of the magistrate judge's Report and the record in this case, the court finds the magistrate judge's Report provides an accurate summary of the facts and law. The court **ACCEPTS** the Report and Recommendation [ECF No. 87]. For the reasons articulated by the Report, the magistrate judge's final decision is **AFFIRMED**. It is therefore **ORDERED** that the Initial Moving Defendants' Motion to Dismiss [ECF No. 52] is **DENIED** and Defendant Amonitti's Motion to Dismiss [ECF No. 83] is **DENIED**.

IT IS SO ORDERED.



United States District Judge

Greenville, South Carolina
December 1, 2014