

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

Dennis Temple,)	C/A No. 8:14-1366-JFA-JDA
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
Chief Deputy Appellate Defense Counsel)	
Wanda H. Carter; Paralegal Assistant Sean)	
Glynn; Paralegal Assistant Mike LNU; Inmate)	
Grievance Coordinator, FNU Thomas;)	
Warden Joseph McFadden; Davidson &)	
Lindeman, P.A.; Ann Hallman, in their)	
individual an official capacity.)	
)	
Defendants.)	
)	

The *pro se* plaintiff, Dennis Temple, is an inmate with the South Carolina Department of Corrections. He brings this action pursuant to 42 U.S.C. § 1983, alleging that the defendants violated his constitutional rights.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that this action should be summarily dismissed for failure to state a claim on which relief may be granted. The Report sets forth in detail the relevant facts

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).

and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was notified of his right to file objections to the Report and Recommendation. On June 23, 2014, the court granted the plaintiff an extension of time to file objections and set a new deadline of July 20, 2014. On July 12, 2014, instead of filing objections to the Report, the plaintiff filed a motion to continue the case so that he could “file a response to the defendants’ motion for summary judgment.” However, there is no pending motion for summary judgment in this case. In fact, the defendants have not even been served with the complaint.

Plaintiff contends that he has good cause for delaying this case. He states that on July 4, 2014, four inmates approached him with a knife and attempted to harm him. After an altercation, the plaintiff was placed in “post-hearing detention” without legal supplies, papers, and books.

As an initial matter, the court takes judicial notice of one of the plaintiff’s other actions pending before it, *Temple v. Oconee County, et al.*, C/A No. 6:13-144-JFA-KFM. In that case, the court also granted the plaintiff an extension of time to file objections to the Report and Recommendation of the Magistrate Judge, with the objection deadline extended to July 7, 2014. On July 7, 2014, the plaintiff mailed a 75-page handwritten objection memorandum to the court for filing. The plaintiff’s memorandum was signed and dated July 5, 2014.

The court is curious as to how the plaintiff can file a 75-page brief in one of his cases on July 5, 2014, while at the same time request a continuance in another of his cases because he was involved in an altercation the day before on July 4, 2014, and placed in lockup without his legal books, papers, or materials.

Nevertheless, the court finds no good cause to continue this action. As the plaintiff has failed to file 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).

The Magistrate Judge properly opines that each of plaintiff's claims based on federal question alleging violations of the Constitution should be dismissed for failure to state a claim on which relief may be granted.

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

Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

July 28, 2014
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge