

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

Robert Artis,)	
)	
Plaintiff,)	Civil Action No. 8:15-1238-RMG
)	
v.)	
)	ORDER
Michelle Williamson, South Carolina)	
Department of Corrections, Bryan P.)	
Stirling, and Gregory Knowlin,)	
)	
Defendants.)	
_____)	
)	
Michelle Williamson, South Carolina)	
Department of Corrections, Bryan P.)	
Stirling, and Gregory Knowlin,)	
)	
Counter Claimants,)	
)	
v.)	
)	
Robert Artis,)	
)	
Counter Defendant.)	

This matter is before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge recommending that the Court grant Defendants’ motion for summary judgment in part and deny it in part. (Dkt. No. 68). The Court hereby adopts the R & R as the order of the court.

Plaintiff, a former state prison inmate, filed this *pro se* action pursuant to 42 U.S.C. § 1983. The action stems from allegations of excessive use of force in violation of the Eighth Amendment. (Dkt. No. 40). Specifically, Plaintiff alleged that Defendant Williamson intentionally struck him in his genitalia during a routine pat down search, and that his injuries required medical attention. (*Id.* at 2–3).

Defendants asserted a counterclaim in their answer, asserting that the action was frivolous and moving for attorney's fees and costs. (Dkt. No. 52). Defendants subsequently filed a motion for summary judgment, seeking to dismiss all claims against them. (Dkt. No. 56).

On May 19, 2016, the Magistrate Judge filed an R & R recommending that this Court grant Defendants' motion in part and deny it in part, dismissing all of Plaintiff's claims except for those filed against Defendant Williamson in her individual capacity. (Dkt. No. 68 at 16). Neither Plaintiff nor Defendants filed objections.

Where a Magistrate Judge has submitted to a District Court a R & R, any party may file written objections within 14 days of the issuance of the R & R. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). A District Court must "make a *de novo* determination of those portions of the report . . . or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). Where no timely filed objection has been made, the District Court is obligated to review the R & R to confirm that "there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

The Court has reviewed the record in this matter, the R & R of the Magistrate Judge, and the applicable law. The Court finds that the Magistrate Judge has ably and thoroughly addressed the factual and legal issues in this matter. Therefore, the Court **ADOPTS** the R & R (Dkt. No. 32) and **GRANTS** in part and **DENIES** in part Defendants' Motion for Summary Judgment (Dkt. No. 56). The Court **DISMISSES** all of Plaintiff's claims except those against Defendant Williamson in her individual capacity.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

June 22, 2016
Charleston, South Carolina