

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

William T. Watts, II, #90124,)	
)	Civil Action No. 8:15-3847-TMC
Plaintiff,)	
)	
vs.)	ORDER
)	
Geo Group;)	
Just Care; and)	
Geo Care,)	
)	
Defendants.)	

Plaintiff William T. Watts, II, proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending that the action be dismissed with prejudice for failure to state a claim on which relief may be granted and without issuance and service of process. (ECF No. 10). The magistrate also recommended that the dismissal be deemed a strike pursuant to 28 U.S.C. § 1915(g). *Id.* Plaintiff filed objections to the Report. (ECF No. 13). Plaintiff also filed a motion to amend the complaint. (ECF No. 14).

The Magistrate Judge makes only a recommendation to the court. The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). In making that determination, the court is charged with conducting a de novo review of those portions of the Report to which either party specifically objects. *See* 28 U.S.C. § 636(b)(1). Then, the court may accept, reject, or modify the Report or recommit the matter to the magistrate judge. *Id.*

Although the proposed amended complaint is not on the proper form, Plaintiff provides additional facts and seeks to add two new defendants in his motion to amend. (ECF No. 14). At this early stage of the case, the court grants the motion to amend the complaint. *See* Fed. R. Civ. P. 15 (providing that “[t]he court should freely give leave when justice so requires”). However, Plaintiff’s proposed amended complaint does not discuss the deficiencies in his original complaint as to Defendants GEO Group, Just Care, and GEO Care. *See* (ECF No. 14). Additionally, his objections do not address the recommended dismissal of those defendants. *See* (ECF No. 13). Instead, Plaintiff’s objections merely state that he is filing a motion to amend his complaint. (ECF No. 13). The court finds that the magistrate judge properly recommended dismissing GEO Group, Just Care, and GEO Care from this case.

It is therefore **ORDERED** that GEO Group, Just Care, and GEO Care are **DISMISSED with prejudice** for failure to state a claim on which relief may be granted and without issuance and service of process. Further, Plaintiff’s motion to amend the complaint (ECF No. 14) is **GRANTED**. The Clerk of Court shall forward of a copy of this order together with the proper claim forms to Plaintiff at his last known address provided to the court. Plaintiff shall file his amended complaint on the proper form within 21 days. The magistrate judge shall conduct an initial review of the amended complaint and issue such orders as may be appropriate pursuant to applicable law. In the event Plaintiff fails to file the amended complaint within the allotted time period, the action shall be dismissed.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

February 9, 2016
Anderson, South Carolina