

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINAMelvin Earl Swanson, a/k/a Melvin E.  
Swanson,

PLAINTIFF

v.

Charles Cooper, Thalia D. Cooper, County of  
Pickens,

DEFENDANTS

Case No. 8:16-3238-TLW

**ORDER**

Plaintiff Melvin Earl Swanson, proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983 alleging that Defendants violated his First Amendment, Second Amendment, and Fifth Amendment Constitutional rights in various ways. ECF No. 1. The matter now comes before the Court for review of the Report and Recommendation (R&R) filed by Magistrate Judge Rogers, to whom this case was assigned. ECF No. 9. In the R&R, the Magistrate Judge recommends the Complaint should be summarily dismissed without prejudice and without issuance of service of process because it fails to state a cognizable claim upon which relief could be granted. Plaintiff filed objections to the R&R. ECF Nos. 13, 14. This matter is now ripe for decision.

In reviewing the R&R, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections . . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Hous. Auth. of City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed de novo the R&R and Plaintiff's objections, which focus on his assertion that he is the victim of a criminal conspiracy of Judea-Mason Shriner judges against Muslims. ECF No. 14 at 1. After an appropriate review, the R&R is ACCEPTED and Plaintiff's objections are OVERRULED. Plaintiff's Complaint is hereby DISMISSED without prejudice and without issuance of service of process for the reasons stated by the Magistrate Judge.<sup>1</sup>

IT IS SO ORDERED.

s/ Terry L. Wooten  
Chief United States District Judge

April 7, 2017  
Columbia, South Carolina

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<sup>1</sup> After the R&R was filed, Plaintiff filed an Amended Complaint, ECF No. 15. Out of an abundance of caution, the Court reviewed this filing and finds that it fails to cure the fundamental deficiencies identified by the Magistrate Judge in the R&R. Therefore, the Amended Complaint is summarily dismissed for the same reasons as his initial Complaint.