

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

Anthony Brian Whetstone, #60921-019,

C/A No. 8:17-748-JFA

Plaintiff,

v.

Chief Judge Thomas W. Thrash, Jr., in his personal capacity and Jane Doe Thrash husband and wife and their marital community;

Judge William S. Duffey, Jr., in his personal capacity and Jane Doe Duffey husband and wife and their marital community;

John A Horn, in his personal capacity and Jane Doe Horn husband and wife and their marital community,

Defendants.

ORDER

Anthony Brian Whetstone (“Whetstone”) filed a pro se complaint in this civil action while incarcerated at FCI-Bennettsville in Bennettsville, South Carolina. Whetstone seeks to sue two United States District Court Judges and an attorney with the United States Attorney’s Office for actions relating to Whetstone’s prior criminal case. (ECF No. 1). Pursuant to 28 U.S.C. §636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(c) (D.S.C.), this case was referred to a Magistrate Judge for review.

Plaintiff is a prisoner under the definition in 28 U.S.C. § 1915A(c), and “seeks redress from a government entity or officer or employee of a government entity.” 28 U.S.C. § 1915A(a). Thus, although Whetstone prepaid the full filing fee, this court is charged with screening Plaintiff’s lawsuit to identify cognizable claims or to dismiss the complaint if, after being liberally construed, (1) it is frivolous, malicious, or fails to state a claim upon which relief may

be granted or (2) seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A.

The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”) and opines that this court should dismiss the action without prejudice and without issuance and service of process. (ECF No. 16). The Report sets forth in detail the relevant facts and standards of law on this matter, and this court incorporates those facts and standards without a recitation.

Whetstone was advised of his right to object to the Report, which was entered on the docket on May 1, 2017. However, Whetstone failed to file any objections to the Report. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give an explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this court finds the Magistrate Judge’s recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation, and dismisses the action without prejudice and without issuance and service of process.

IT IS SO ORDERED.



June 12, 2017
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge

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(B)(2)(g) (D.S.C.). 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).