

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Dennis M. Temple, a/k/a)	C/A No. 8:17-0952-JDA-JFA
Dennis Maurice Temple,)	
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
South Carolina Department of Corrections,)	
)	
Defendant.)	
_____)	

The *pro se* plaintiff, Dennis M. Temple, filed this action in state court and the defendant removed it to this federal court on the basis that plaintiff was asserting federal constitutional claims under 42 U.S.C. § 1983. Specifically, the plaintiff alleges the denial of his due process and equal protection rights. Upon removal, the plaintiff filed a motion to remand contending that he did not want to bring federal constitutional claims and that the state court was the proper venue for his claims. In its response, the defendant consented to the remand if the plaintiff abandons his federal claims. Then, on July 10, 2017, with leave of court, the plaintiff filed an amended complaint setting forth only state law claims.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that the matter should be remanded to state court in light of the

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).

plaintiff's amended complaint removing federal claims and the defendant's consent to the remand to state court. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The parties were advised of their right to file objections to the Report and Recommendation, which was entered on the docket on July 17, 2017. Neither party has filed objections and the time within which to do so has expired. In the absence of specific 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).

As the Magistrate Judge notes in her Report, it is clear that the plaintiff seeks to pursue only state law claims. Further, and pursuant to 28 U.S.C. § 1367(c)(3), this court declines to exercise supplemental jurisdiction over the remaining state law claims.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporates it herein by reference. Accordingly, the plaintiff's motion to remand (ECF No. 13) is granted this action is remanded back to the Court of Common Pleas for Greenville, South Carolina.

IT IS SO ORDERED.

August 7, 2017
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge