

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Richard Butler,)	Civil Action No. 8:17-2927-BHH
)	
)	
Plaintiff,)	
)	
vs.)	
)	
)	<u>OPINION AND ORDER</u>
State of South Carolina,)	
)	
)	
Defendant.)	

Richard Butler (“Plaintiff”), proceeding *pro se*, initiated this civil rights action pursuant to 42 U.S.C. § 1983 against the State of South Carolina (“Defendant”), alleging violations of his constitutional rights. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the action was referred to United States Magistrate Judge Jacquelyn D. Austin for pretrial handling and a Report and Recommendation (“Report”). Magistrate Judge Austin recommends that the Court dismiss this action without prejudice and without issuance and service of process. (ECF No. 11.) The Report sets forth in detail the relevant facts and standards of law on this matter and the Court incorporates them without recitation.

STANDARD OF REVIEW

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a *de novo* determination of those portions of the Report 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 with instructions. 28 U.S.C. § 636(b)(1). However, the Court need not conduct a *de novo* review when a party makes only “general and conclusory objections that do not

direct the court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). In the absence of a timely filed, specific objection, the Magistrate Judge's conclusions are reviewed only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

DISCUSSION

Plaintiff filed an objection (ECF No. 17) to the Report, which the Court has carefully reviewed. The filing fails to state a specific objection or direct the Court to any specific error in the Magistrate's proposed findings and recommendation. Rather, Plaintiff's objections merely expound on meritless, nonsensical points raised in his Complaint. Nevertheless, out of an abundance of caution, the Court has conducted a *de novo* review of the Report and the record. The Court finds Plaintiff's objections to be without merit and hereby overrules them. The Report fairly and accurately summarizes the facts and applies the correct principles of law, and the Court agrees with the analysis of the Magistrate Judge.

CONCLUSION

For the reasons stated above and by the Magistrate Judge, the Court overrules Plaintiff's objections and adopts and incorporates the Magistrate Judge's Report. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Bruce Howe Hendricks
United States District Judge

December 8, 2017
Greenville, South Carolina