

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

Kalvin D. Hunt *a/k/a Calvin Dontay*)
Hut,)

Plaintiff,)

vs.)

South Carolina Department of Mental)
Health; Columbia Area Mental Health)
Center; Jeffrey Raynor, *psychiatrist;*)
and Ayana McClure, *Patients*)
Advocate,)

Defendants.)

Civil Action No. 8:23-cv-01705-TMC

ORDER

Plaintiff Calvin D. Hunt (“Plaintiff”), proceeding *pro se* and *in forma pauperis*, brought this action against Defendants pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. (ECF Nos. 1; 2; 9). Plaintiff is involuntarily confined with Defendant South Carolina Department of Mental Health (“SCDMH”) after having been found not guilty of certain criminal charges by reason of insanity. *See Hunt v. State of South Carolina*, No. 3:15-cv-4778-TMC, ECF No. 18 at n.1 (D.S.C. Apr. 22, 2016).¹ In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(e), D.S.C., this matter was referred to a magistrate judge for pretrial handling. On May 3, 2023, the magistrate judge issued an order noting the complaint was subject to summary dismissal for the reasons identified therein and granting Plaintiff twenty-one (21) days to file an amended complaint curing the deficiencies. (ECF No. 10). The order also warned Plaintiff that if he failed to file an amended complaint correcting the issues, the magistrate judge would

¹ *See, e.g., Philips v. Pitt Cty. Mem’l Hosp.*, 572 F.3d 176, 180 (4th Cir. 2009) (noting that courts “may properly take judicial notice of matters of public record”); *Colonial Penn Ins. Co. v. Coil*, 887 F.2d 1236, 1239 (4th Cir. 1989) (noting “the most frequent use of judicial notice is in noticing the content of court records” (internal quotation marks omitted)).

recommend the action be summarily dismissed. *Id.* at 7. Accordingly, Plaintiff filed an amended complaint on May 17, 2023. (ECF Nos. 13; 13-1).

Now before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending the court summarily dismiss Plaintiff’s action without issuance and service of process for failure to state a claim. (ECF No. 17). Plaintiff was advised of his right to file specific objections to the Report, *id.* at 11, but he failed to file any objections within the time permitted. Therefore, this matter is now ripe for review.

The recommendations set forth in the Report have no presumptive weight, and this court remains responsible for making a final determination in this matter. *Wimmer v. Cook*, 774 F.2d 68, 72 (4th Cir. 1985) (quoting *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 a specific objection is made, and the court may accept, reject, 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 only review for clear error “those portions which are not objected to—including those portions to which only ‘general and conclusory’ objections have been made[.]” *Dunlap v. TM Trucking of the Carolinas, LLC*, 288 F. Supp. 3d 654, 662 (D.S.C. 2017). “An objection is specific if it ‘enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties’ dispute.’” *Id.* at 662 n.6 (quoting *United States v. One Parcel of Real Prop., With Bldgs., Appurtenances, Improvements, & Contents, Known As: 2121 E. 30th St., Tulsa, Okla.*, 73 F.3d 1057, 1059 (10th Cir. 1996)). Furthermore, in the absence of specific objections to the Report, the court is not required to give any explanation for adopting the magistrate judge’s recommendation. *Greenspan v. Brothers Prop. Corp.*, 103 F. Supp. 3d 734, 737 (D.S.C. 2015) (citing *Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983)).

Having carefully and thoroughly reviewed the Report (ECF No. 17) and the Amended Complaint (ECF No. 13), the court agrees with and wholly **ADOPTS** the magistrate judge's findings and recommendations in the Report (ECF No. 17), which is incorporated herein by reference. Accordingly, for the reasons stated therein, this action is hereby **DISMISSED without further leave to amend** and without issuance and service of process.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
June 20, 2023

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.