

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Class Action on behalf of all prisoners at T.R.C.I.,)	C.A. No. 9:10-1934-TLW-BM
)	
Plaintiff,)	
)	
-versus-)	ORDER
)	
Jon Ozmint, Agency Director;)	
Anne Hall, Central Grievance Dir., Headquarters;)	
Warden Timothy Riley, T.R.C.I.;)	
Jerry C. Alexander, Captain, T.R.C.I.;)	
Gary Lane, Assoc. Warden, T.R.C.I.;)	
Laura Caldwell, Assoc. Warden, T.R.C.I.;)	
D. Maness, Mailroom Director, T.R.C.I.; and)	
all involved parties in their individual and official)	
capacities under color of state law,)	
)	
Defendants.)	
_____)	

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Bristow Marchant, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge Marchant recommends that this matter be dismissed. Objections to the Report have been filed.

In conducting this review, 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. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court has reviewed, de novo, the Report and the objections thereto. The Court accepts the Report.

THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 6); plaintiff's objections are **OVERRULED** (Doc. # 10); and this matter is dismissed for the reasons outlined in the Report. Additionally, plaintiff's motion to appoint counsel is denied. (Doc. # 11).

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

September 22, 2010
Florence, South Carolina