

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

Warren Russell, #316802)	
)	C.A. No. 9:11-cv-02769-JMC
Plaintiff,)	
)	
v.)	ORDER
)	
S.C. Richland County Solicitor's Office;)	
K. Luck Campbell; Vanessa C. Shipley;)	
S.C. Attorney General's Office;)	
Henry McMaster; Alan Wilson;)	
Brian Petrano; and)	
Mark Schnee, Assistant Public Defender,)	
)	
Defendants.)	
)	

This matter is before the court on the Magistrate Judge's Report and Recommendation [Doc. 11]. Plaintiff, proceeding *pro se*, alleges a cause of action under 42 U.S.C. § 1983. The Magistrate Judge's Report and Recommendation, filed on November 14, 2011, recommends that Plaintiff's Complaint be dismissed without prejudice and without issuance and service of process. The Report and Recommendation sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the Magistrate Judge's recommendation herein without a recitation.

The Magistrate Judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See 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 and Recommendation to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or

recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Plaintiff timely filed objections to the Magistrate Judge's Report and Recommendation [Doc. 14]. In Plaintiff's Objections to Report and Recommendation and Motion to Leave to Amend, Plaintiff reasserts his allegations of conspiracy, abuse of process, fraud upon the court, misconduct, and obstruction of justice. Plaintiff further states other miscellaneous issues not related to the Magistrate Judge's ruling. Finally, Plaintiff challenges the court's standard of review and legal conclusions.

Upon review, the court finds that the majority of Plaintiff's objections merely restate his claims. Therefore, after a thorough review of the Magistrate Judge's Report and Recommendation and the record in this case, the court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein.

It is therefore **ORDERED** that Plaintiffs' Complaint is hereby **DISMISSED** without prejudice and without issuance of service of process. Since this action is dismissed without prejudice, the court need not address Plaintiff's request to amend his complaint..

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

Greenville, South Carolina
December 14, 2011