

IN THE UNITED STATES DISTRICT COURT RECEIVED  
 FOR THE DISTRICT OF SOUTH CAROLINA  
 CHARLESTON DIVISION 2014 JUL -3 P 2: 28

Jovan Cornelius Simon, # 25282-171, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 L/CPL Kevin Paige, SCHP; Trooper Bucky )  
 Geddings, SCHP; L/Cpl Mark Jennings, SCHP; and )  
 Agent H. Eric Cohoon, ATF; )  
 )  
 Defendants. )  
 )

C/A No.: 9:13-3025-RMG-BM

**ORDER**

This matter is before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge recommending that Defendant Kevin Paige’s Motion for Judgment on the Pleadings be granted and to the extent that Plaintiff has asserted a state law tort claim against Paige in his individual capacity, such a claim be dismissed. (Dkt. No. 59). No objections have been filed. For the reasons set forth below, the Court agrees and ADOPTS the R & R as the order of the Court.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Matthews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the R & R to which specific objection is made. Here, however, because no objection has been made, this Court "must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P 72 advisory committee note). Moreover, in the absence of specific objections to the R &

R, the Court need not give any explanation for adopting the Magistrate Judge's analysis and recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983).

Under the South Carolina Tort Claims Act, Defendant Paige is not subject to suit in his individual capacity for a state law tort. Therefore, the District Court **ADOPTS** the Magistrate Judge's R & R, (Dkt. No. 59), as the order of the Court. Accordingly, the Motion for Judgment on the Pleadings (Dkt. No. 47) is **GRANTED** and the state law tort claim asserted against Defendant in his individual capacity is **DISMISSED**.

**AND IT IS SO ORDERED**



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Richard Mark Gergel  
United States District Court Judge

July 3, 2014  
Charleston, South Carolina