

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Patrick Lawrence,)	Civil Action No. 9:16-103-RMG
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Bamberg Adult Detention Center, Captain)	
Wilson, Corporal Jackson, Deputy Brooks,)	
Lt. Woods, Officer Bronxon, Officer)	
)	
Defendants.)	
)	

This matter is before the Court on the Report and Recommendation of the Magistrate Judge, recommending summary dismissal of the Bamberg Adult Detention Center (“Bamberg”) from this action without service of process. On January 11, 2016, filed an action pursuant to 42 U.S.C. § 1983 against Bamberg and several named individuals. The Magistrate Judge recommends that Bamberg be dismissed from this action, as a jail is not a “person” amendable to suit under § 1983. *See, e.g., Jones v. Lexington Cty. Det. Ctr.*, 586 F. Supp. 2d 444, 451 (D.S.C. 2008); *Dudley v. Food Serv.-Just Care*, 519 F. Supp. 2d 602, 604 (D.S.C. 2007). The Court agrees and dismisses Bamberg from this action.

Plaintiff filed an objection to the Report and Recommendation. Therein, Plaintiff does not object to the dismissal of Bamberg from this action, but seeks leave to amend the complaint to name additional individuals whose identities are not known to Plaintiff. Plaintiff asserts that he was attempting to sue those additional persons by naming Bamberg as a Defendant. The Court construes Plaintiff’s objections to the Report and Recommendation as a motion for leave to amend. The Court commits joinder issues to the Magistrate Judge, pursuant to Local Civil Rule 73.02(B)(2)(d) DSC.

Therefore, the Court **ADOPTS** the Report and Recommendation (Dkt. No. 23) as the Order of the Court, **DISMISSES** Bamberg Adult Detention Center from this action, and **RECOMMITS** this matter to the Magistrate Judge.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. M. Gergel', written over a horizontal line.

Richard Mark Gergel
United States District Court Judge

April 1, 2016
Charleston, South Carolina