

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

Christopher Edward Lewallen,

Plaintiff,

v.

Sgt. Nathan Mitchell, Lt. Ham, Kevin
Matheson, Nurse Kathryn, Nurse Amber
Brown, Chad McBride, and Doctor Walker,

Defendants.

C/A No.: 9:20-cv-03817-SAL

OPINION AND ORDER

This matter is before the court for review of the October 19, 2021 Report and Recommendation (the “Report”) of United States Magistrate Judge Molly H. Cherry, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 127.] In the Report, the Magistrate Judge recommends that the Detention Center Defendants’ motion for summary judgment, Defendant Brown’s motion for summary judgment, and Defendant Walker’s motion for summary judgment be granted. *Id.* The Report also recommends that Plaintiff’s motion for summary judgment and Plaintiff’s motion for a preliminary injunction be denied. *Id.* No party filed objections to the Report, and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and 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 only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the

Report and 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) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 127, and incorporates the Report by reference herein. Accordingly, Defendants’ Motion for Summary Judgment, ECF No. 90, is **GRANTED**; Defendant Brown’s Motion for Summary Judgment, ECF No. 94, is **GRANTED**; Defendant Walker’s Motion for Summary Judgment, ECF No. 95, is **GRANTED**; Plaintiff’s Motion for Summary Judgment, ECF No. 102, is **DENIED**; and Plaintiff’s Motion for Preliminary Injunction, ECF No. 119, is **DENIED**. As a result, this action is **DISMISSED**.

IT IS SO ORDERED.

December 7, 2021
Florence, South Carolina

/s/Sherri A. Lydon
Sherri A. Lydon
United States District Judge