

serious physical harm. Compl. 2. I referred his remaining claim to the magistrate judge for further proceedings on that issue.

United States Magistrate Judge Pamela Meade Sargent conducted an evidentiary hearing on August 16 and 24, 2018. She has issued a Report and Recommendation that summarizes the testimony and other evidence presented to her. The Report recommends a finding that for purposes of the exception in § 1915(g), Meyers has shown that at the time he filed his Complaint, he was in imminent danger of serious physical harm related to his one remaining claim against defendants Swiney and Stallard. The parties were notified of the opportunity to file objections to the Report, and the allotted time for objections has passed with none being filed.

I have reviewed Judge Sargent's Report, and I am satisfied that there is no clear error on the face of the record. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (“[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee's note to 1983 addition). I have also reviewed Meyers' motions objecting to Judge Sargent's evidentiary rulings and his motions seeking to obtain and present

additional evidence on imminent danger. I find his objections to be without merit and see no need for the additional materials he seeks.¹

For the stated reasons, it is hereby **ORDERED** as follows:

1. Meyers' evidentiary objections are **OVERRULED**, and his motions regarding additional proceedings or evidence on imminent danger are **DISMISSED** as moot;
2. The Clerk shall terminate as moot the following motions: ECF Nos. 74, 77, 78, and 83;
3. The Report and Recommendation, ECF No. 91, is **ACCEPTED** in its entirety; and
4. Meyers is **GRANTED** permission to proceed with this action without prepayment of the filing fee, pursuant to the imminent danger exception in 28 U.S.C. § 1915(g).

ENTER: November 6, 2018

/s/ James P. Jones
United States District Judge

¹ Meyers has also filed motions for summary judgment and numerous motions seeking preliminary injunctive relief, all of which I will address in a separate opinion.