

FILED: January 10, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-6275
(9:20-cv-02139-TLW-MHC)

LAWRENCE L. CRAWFORD, a/k/a Johah Gabriel, a/k/a Jahjah T. Tishbite

Plaintiff - Appellant

v.

WARDEN NELSON; S.C.D.C.; DIRECTOR BRYAN STIRLING; THE S.C.D.C
MUSLIM CHAPLAINS; MS. FOX

Defendants - Appellees

O R D E R

The court dismisses this proceeding for failure to prosecute pursuant to
Local Rule 45.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

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

Lawrence L. Crawford,

PLAINTIFF

v.

Warden Nelson, et al.,

DEFENDANTS

Case No. 9:20-cv-02139-TLW-MHC

Order

This case is before the Court on Plaintiff Lawrence L. Crawford's objections to three orders issued by the magistrate judge assigned to this case. The Court overrules his objections because the magistrate judge's orders aren't clearly erroneous or contrary to law.¹

I. First order

In the first order at issue, the magistrate judge denied Plaintiff's motion to

¹ Plaintiff's filings are classified as objections under Rule 72(a) of the Federal Rules of Civil Procedure. That rule provides as follows:

When a pretrial matter not dispositive of a party's claim or defense is referred to a magistrate judge to hear and decide, the magistrate judge must promptly conduct the required proceedings and, when appropriate, issue a written order stating the decision. . . . The district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law.

Review of a magistrate judge's order on non-dispositive matters, such as the motions at issue here, is deferential, and a magistrate judge's order on these types of issues will be overruled only if it "is clearly erroneous or is contrary to law." Fed. R. Civ. P. 72(a); *see also* 28 U.S.C. § 636(b)(1)(A).

supplement his 157-page complaint because he only filed a proposed supplement to his complaint, rather than a complete amended complaint. The magistrate also concluded that the case was not in proper form for service and directed him to comply with various standard filing requirements. ECF No. 15.

In response to that order, Plaintiff submitted a 60-page, all-caps document entitled “Affidavit of facts giving judicial notice; motion to file objections to the magistrate’s order dated October 27, 2020; motion for an injunction and or protective order; notice seeking leave to appeal pursuant to Fed. Rules 72(a) and 73(c) and motion to motion therefor.” ECF No. 21. He also submitted 366 pages of supplementary materials. These submissions were properly docketed by the Clerk as objections to the magistrate judge’s order.

There is no merit to Plaintiff’s objections, much of which address countless matters other than the magistrate judge’s actual order. The magistrate judge’s order denied his motion simply because he failed to include a full proposed amended complaint with his motion. This requirement “ensure[s] that all of the allegations asserted against the defendants are contained in a single document reducing the likelihood that a party will overlook one or more allegations against him.” *Jenkins v. S.C. Dep’t of Corr.*, No. 8:09-3293-JFA-BHH, 2010 WL 11553265, at *1 (D.S.C. June 8, 2010). Because his motion didn’t include the full amended complaint that he wants to file in place of the original complaint, the magistrate judge correctly denied his motion.

The rest of the magistrate judge’s order merely dealt with standard filing

requirements for pro se cases. To the extend that Plaintiff's filings could be construed as objections to the magistrate judge's order directing him to comply with those standard requirements, there is no merit to his objections. *See United States v. Patel*, 879 F.2d 292, 295 (7th Cir. 1989) ("When issues patently lack merit, the reviewing court is not obliged to devote scarce judicial resources to a written discussion of them.").

The magistrate judge's rulings in this order weren't clearly erroneous or contrary to law, so Plaintiff's objections to this order are overruled.

II. Second order

In the second order at issue, the magistrate judge denied a motion filed by another inmate seeking to join Plaintiff's lawsuit. The magistrate judge denied the motion because multiple inmates may not join in one action and the claims in the complaint only involve Plaintiff. ECF No. 26.

In response to that order, Plaintiff submitted a document entitled "Affidavit of facts giving judicial notice; motion to challenge the magistrate judge's jurisdiction and to file objections to her order entry number 26 dated filed December 10, 2020; subsequent notice seeking leave to appeal pursuant to Fed. Rules 72(a); 73(c) and motion to motion therefor." ECF No. 32. This submission was properly docketed by the Clerk as objections to the magistrate judge's order.

There is no merit to Plaintiff's objections. The magistrate judge correctly denied the joinder motion because, as the order states, multiple pro se inmates may not join a single action and the facts alleged in the complaint only involve Plaintiff.

To the extent that Plaintiff's objections challenge the magistrate judge's jurisdiction to enter the order, there is no merit to his objections. This case was properly assigned by the Clerk to the magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(A) and Local Civil Rules 73.02(B)(2)(d) and (e), which requires the Clerk to assign to a magistrate judge all pro se cases and all civil rights cases challenging prison conditions. Plaintiff's earlier filing, ECF No. 21, and this filing, ECF No. 32, were properly construed as Rule 72(a) objections to the magistrate judge's order. Rule 72(a) objections do not divest the magistrate judge of jurisdiction to rule on other pending matters in the case while the objections are being considered by the district judge.

The magistrate judge's ruling in this order wasn't clearly erroneous or contrary to law, so Plaintiff's objections to this order are overruled.

III. Third order

In the third order at issue, the magistrate judge denied Plaintiff's second motion to supplement or amend his complaint, again because he only filed a proposed supplement to his complaint, rather than a complete amended complaint. The magistrate judge also denied his request to stay the case pending the Fourth Circuit's (and potentially the Supreme Court's) consideration of another case. ECF No. 27.

In response to that order, Plaintiff submitted a document entitled "Affidavit of facts giving judicial notice; motion to challenge the magistrate judge's jurisdiction and to file objections to her orders entries no.(s) 26 and 27 dated filed December 10, 2020; third subsequent notice seeking leave to appeal; motion to supplement the

previously filed motion for an injunction and protective order pursuant to Fed. Rules of Pro., Rule(s) 72(a) and 73(c) and motion to motion therefor." ECF No. 33. This submission was properly docketed by the Clerk as objections to the magistrate judge's order.

There is no merit to Plaintiff's objections because, as with the magistrate judge's first order, this order denied his motion because he failed to include a full proposed amended complaint with his motion. Because his motion didn't include a full proposed amended complaint, the magistrate judge correctly denied his motion. The magistrate judge also properly concluded that there was no basis to stay this case.

To the extent that Plaintiff's objections challenge the magistrate judge's jurisdiction to enter the order, for the reasons discussed above, there is no merit to his objections.

The magistrate judge's rulings in this order weren't clearly erroneous or contrary to law, so Plaintiff's objections to this order are overruled.

IV. Conclusion

For these reasons, Plaintiff's objections, ECF Nos. 21, 32, 33, are **OVERRULED**.

IT IS SO ORDERED.

s/Terry L. Wooten

Terry L. Wooten
Senior United States District Judge

January 19, 2021
Columbia, South Carolina

**Additional material
from this filing is
available in the
Clerk's Office.**