

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09-cv-125-RJC-DSC
CONSOLIDATED

GMAC MORTGAGE, LLC,)

Plaintiff,)

vs.)

FLICK MORTGAGE INVESTORS,)
INC.,)

Defendant.)

ORDER

FLICK MORTGAGE INVESTORS,)
INC.,)

Plaintiff,)

vs.)

CHICAGO TITLE INSURANCE)
COMPANY,)

Defendant.)

THIS MATTER is before the Court on the plaintiff GMAC Mortgage, LLC’s Motion for Judgment on the Pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure (Doc. No. 21) and the Magistrate Judge’s Memorandum and Recommendation (“M&R”) (Doc. No. 23). For the reasons stated below, the Court will **GRANT** the plaintiff’s Motion for Judgment on the Pleadings.

I. BACKGROUND

Neither party has objected to the Magistrate Judge’s statement of the factual and procedural background of this case, and the Court thus adopts the facts as set forth in the M&R.

II. STANDARD OF REVIEW

The Federal Magistrate Act provides that a district court “shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C); Camby v. Davis, 718 F.2d 198, 198 (4th Cir. 1983). “By contrast, in 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.’” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72, Advisory Committee’s Note). Similarly, de novo review is not required by the statute “when a party makes general or conclusory objections that do not direct the court to a specific error in the magistrate judge’s proposed findings and recommendations.” Id. Moreover, the statute does not on its face require any review at all of issues that are not the subject of an objection. Thomas v. Arn, 474 U.S. 140, 149 (1985); Camby, 718 F.2d at 200. Nonetheless, a district judge is responsible for the final determination and outcome of the case, and accordingly the Court has conducted a careful review of the Magistrate Judge’s M&R.

III. DISCUSSION

The defendant Flick Mortgage Investors, Inc. did not file a brief opposing the plaintiff’s motion for judgment on the pleadings. Moreover, counsel for the defendant informed the Court telephonically that the defendant consents to the plaintiff’s motion. The Magistrate Judge’s M&R recommends that the motion be granted. (Doc. No. 23). Pursuant to 28 U.S.C. § 636(b)(1)(c), written objections were to be filed within fourteen (14) days after service of the Magistrate Judge’s decision. The time for filing objections has since passed, and no objections have been filed by either party in this matter.

After a careful review of the record in this case, the Court finds that the Magistrate Judge’s recommendations are consistent with and supported by law. Thus, the Court hereby accepts the

M&R of the Magistrate Judge (Doc. No. 23) and adopts it as the final decision of this Court for all purposes relating to this case.

IV. CONCLUSION

IT IS, THEREFORE, ORDERED that the plaintiff GMAC Mortgage, LLC's Motion for Judgment on the Pleadings (Doc. No. 21) is **GRANTED**. The Court defers entry of final judgment as to GMAC Mortgage, LLC's claim against Flick Mortgage Investors, Inc. pending the resolution of all claims against all parties in this matter or upon determination that final judgment is warranted pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

SO ORDERED.

Signed: May 25, 2010



Robert J. Conrad, Jr.
Chief United States District Judge

