

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:14-cv-00141-MOC-DSC

DUKE ENERGY FLORIDA, INC.,)
)
 Plaintiff,)
)
 Vs.)
)
WESTINGHOUSE ELECTRIC COMPANY)
LLC,)
 Defendant.)

ORDER

THIS MATTER is before the court on review of a Memorandum and Recommendation issued in this matter. In the Memorandum and Recommendation, the magistrate judge advised the parties of the right to file objections within 14 days, all in accordance with 28, United States Code, Section 636(b)(1)(c). Objections have been filed within the time allowed.

The *Federal Magistrates Act of 1979*, as amended, 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); Camby v. Davis, 718 F.2d 198, 200 (4th Cir.1983). However, “when objections to strictly legal issues are raised and no factual issues are challenged, *de novo* review of the record may be dispensed with.” Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir.1982). 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

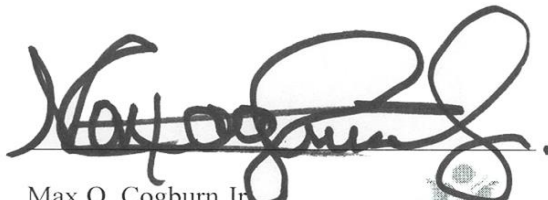
at all of issues that are not the subject of an objection. Thomas v. Arn, 474 U.S. 140, 149 (1985); Camby v. Davis, 718 F.2d at 200. Nonetheless, a district judge is responsible for the final determination and outcome of the case, and accordingly the court has conducted a careful review of the magistrate judge's recommendation.

In that Recommendation (#117), Judge Cayer recommended that this court find defendant in civil contempt. After a number of pleadings and post-recommendation proceedings, plaintiff has withdrawn its Motion for Order to Show Cause (#112). With the motion now being moot through withdrawal of the underlying motion, the court finds that the Recommendation is also moot and will cancel the hearing.

ORDER

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation (#117) is **TERMINATED** as mooted by the withdrawal of the underlying Motion for Order to Show Cause (#112). The January 13, 2016, hearing is **CANCELED**.

Signed: January 11, 2016


Max O. Cogburn Jr.
United States District Judge