

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

MONICA BENTLEY CRUZ EL-BEY, | CIVIL ACTION NO.09-1772

|
Plaintiff, |

-vs- |

ORDER

WELLS FARGO HOME MORTGAGE, |
SAMUEL C. WATERS, ROGERS |
TOWNSEND & THOMAS, PC, |
STONEWALL JACKSON KIMBALL, |
III, MASTER’S OFFICE YORK |
COUNTY SOUTH CAROLINA, |

Defendants. |
_____ |

In the underlying action, the plaintiff, Monica Bentley Cruz El Bey, proceeding *pro se*, has brought this action against the defendants, Wells Fargo Home Mortgage, Samuel C Waters, Rogers Townsend & Thomas, PC, Stonewall Jackson Kimball, III and the Masters’s Office in York County, South Carolina. The complaint alleges *inter alia*:

This is an appeal of the decision of DOCKET NO: 09-CP-46-0542 which was conducted on June 29, 2009 at 9:30 a.m. in the STATE OF SOUTH CAROLINA COUNTY OF YORK.

In her prayer for relief, the plaintiff asks:

...this court to reverse all rulings made at the hearing. I want this court to uphold and enforce all the terms and conditions of the un-rebutted Private Agreement, Letter of Rogatory and the Affidavit of Negative Averment.

Although not set forth in the body of the complaint, it is apparent that the plaintiff brought the underlying action as the result of a foreclosure action and that the defendants were all involved in the foreclosure proceeding.

Pursuant to the Local Rules of this Court, this matter was referred to United States Magistrate Judge Joseph R. McCrorey for review. In his report, the Magistrate Judge recommends that the Court dismiss this action due to lack of subject matter jurisdiction.

The applicable standard of review for this Court is clear. 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 the Court. Matthews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of those portions of the report and recommendation to which specific objection is made 28 U.S.C. §636(b)(1)(C).

The plaintiff has objected to the recommendation of the Magistrate Judge. Specifically, the plaintiff asserts that this Court has jurisdiction to hear this matter under 28 U.S.C. § 1331 and § 1332. The Court has reviewed the plaintiff's objections and finds they have no merit. The plaintiff asks this Court to sit as an appellate court to review a final decision of a state court. This court lacks authority to review the final determination of a state or local court. See District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 476-82 (1983). Review of a final decision of a state or local court can only be conducted by the Supreme Court of the United States. Id.

Accordingly, upon careful review, the recommendation of that the Magistrate Judge is

approved. For the reasons set forth herein, this matter is DISMISSED.

IT IS SO ORDERED.

s/MATTHEW J. PERRY, JR.
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
September 15, 2009.