

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

DAWN TYSON,

Plaintiff,

vs.

STATE LINE LIGHTING, INC.,

Defendant.

Civil Action No.: 0:12-2578-MGL

ORDER AND OPINION

Plaintiff Dawn Tyson (“Plaintiff”) filed this action against Defendant State Line Lighting, Inc. (“Defendant”) pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17. (ECF No. 1.) On October 24, 2013, Defendant filed a motion for summary judgment on the grounds that there is no genuine issue of material fact and that Defendant is entitled to judgment as a matter of law. (ECF No. 34.) Plaintiff filed a response in opposition to the motion for summary judgment on December 16, 2013. (ECF No. 47.) Defendant filed a reply in response to Defendant’s motion for summary judgment on December 27, 2013. (ECF No. 48.)

In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C., this pretrial employment discrimination matter was referred to United States Magistrate Judge Paige J. Gossett for consideration. The Magistrate Judge has prepared a thorough Report and Recommendation which recommends that Defendant’s motion for summary judgment be granted because Defendant did not have the requisite number of employees during the relevant time period to be subject to Title VII. The Report and Recommendation sets forth in detail the relevant facts and standards of law on this matter, and the Court incorporates such without a recitation.

The Court is charged with making a *de novo* determination of any portion of the Report and

Recommendation of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). 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 & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005). Plaintiff has filed no objections to the Report and Recommendation, and the time for doing so has expired.

After reviewing the motion, the record, and the Report and Recommendation of the Magistrate Judge, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is ORDERED that Defendant’s Motion for Summary Judgment is GRANTED.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

Spartanburg, South Carolina
August 21, 2014