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

Rodney R. Dunlap; Kevin Good; Bernard Elam; Joel Neal; Mack Thompson, Plaintiffs, v. TM Trucking of the Carolinas, LLC; TNT Trucking of the Carolinas, Inc.; T-N-T Trucking of York County, Inc.; TNT Propane, Inc.; and Tony McMillan, individually, Defendants.	Civil Action No. 0:15-cv-04009-JMC **ORDER**

Plaintiffs brought this action alleging employment discrimination on the basis of race under 42 U.S.C. § 1981. This matter is before the court upon review of Magistrate Judge Shiva V. Hodges' Report and Recommendation ("Report"), filed on November 21, 2016, recommending that the court deny Plaintiffs' Motion for Summary Judgment (ECF No. 31) on the grounds that Plaintiffs failed to show any prejudice if the court allows Defendants a full opportunity for discovery before considering a motion for summary judgment. (ECF No. 49.) The Magistrate Judge further recommended that the court allow Defendants to withdraw or amend their prior admissions because Plaintiffs failed to show any resulting prejudice. (ECF No. 49.) The Report details the relevant facts and legal standards on this matter, and this court incorporates the Magistrate Judge's recommendation herein without a recitation.

The Magistrate Judge's Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court that has no presumptive weight—the responsibility to make a final

determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976).

The court reviews *de novo* only those portions of a Magistrate Judge's Report to which specific objections are filed, and it reviews those portions not objected to—including those portions to which only "general and conclusory" objections have been made—for clear error. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005); *Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983); *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). The court may accept, reject, or modify—in whole or in part—the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Plaintiffs were advised of their right to file objections to the Report "within fourteen (14) days of the date of service" of the Report (ECF No. 49). However, Plaintiffs filed no objections. In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby*, 718 F.2d at 199. Furthermore, failure to timely file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

Therefore, after a thorough and careful review of the Report and the record in this case, this court finds the Report provides an accurate summary of the facts and law and **ACCEPTS** the Report and Recommendation (ECF No. 49). For the reasons articulated by the Magistrate Judge, this court **DENIES** without prejudice Plaintiffs' Motion for Summary Judgment (ECF No. 31) and deems Defendants' July 13, 2016 responses a withdrawal or amendment of Defendants' prior admissions.

IT IS SO ORDERED.

United States District Judge

February 6, 2017
Columbia, South Carolina