

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

Wilmington Trust National Association, )  
 as Successor Trustee to CitiBank, N.A., )  
 as Trustee for Bear Stearns Asset-Backed )  
 Securities I Trust 2005-CL1 Asset )  
 Backed Certificates, Series 2005-CL1 )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Debra Wetzel and Richard Wetzel, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

Civil Action No.: 0:16-1115-TLW

**ORDER**

Defendants Debra Wetzel and Richard Wetzel (“Defendants”), proceeding *pro se*, filed a Notice of Removal, ECF No. 1, to remove the instant mortgage foreclosure action brought in York County, South Carolina by Plaintiff Wilmington Trust National Association, as Successor Trustee to CitiBank, N.A., as Trustee for Bear Stearns Asset Backed Securities I Trust 2005-CL1, Asset-Backed Certificates, Series 2005-CL1 (“Plaintiff”). Defendants also filed a Motion for Leave to Proceed *in forma pauperis*. ECF No. 2. This matter is before the Court for review of the Report and Recommendation (“the Report”) filed on April 18, 2016 by United States Magistrate Judge Shiva V. Hodges, to whom this case had previously been assigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(e), DSC. ECF No. 9. In the Report, the Magistrate Judge recommends remanding the case, *sua sponte*, for lack of subject matter jurisdiction and denying Defendants’ motion to proceed *in forma pauperis*. The deadline for objections was May 5, 2016, however, Defendants failed to file objections to the Report. The matter is now ripe for disposition.

The Court is charged with conducting a *de novo* review of any portion of the Report to

which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained therein. 28 U.S.C. § 636. However, in the absence of objections to the Report, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, "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).

In light of this standard, the Court has carefully reviewed the Report and concludes that it accurately summarizes the case and the applicable law. The Court notes that Defendants did not file objections. It is hereby **ORDERED** that the Report is **ACCEPTED**. ECF No. 9. For the reasons articulated by the Magistrate Judge, the case is **REMANDED** to the Court of Common Pleas of York County, South Carolina for further proceedings, ECF No. 1, and Defendants' Motion to Proceed *in forma pauperis*, ECF No. 2, is **DENIED**.

**IT IS SO ORDERED.**

*s/Terry L. Wooten*  
TERRY L. WOOTEN  
Chief United States District Judge

September 26, 2016  
Columbia, South Carolina