

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

A.C., a minor by through Guardian ad Litem)
 Mark D. Ball,)
)
 Plaintiff,)
)
 v.)
)
 Allendale County Hospital,)
)
 Defendant.)
 _____)

Civil Action No. 1:13-cv-00061-JMC

ORDER

This matter is before the court for review of the magistrate judge's Report and Recommendation ("Report"), [ECF No. 46], filed on November 6, 2013, recommending that this case be remanded to the Allendale Court of Common Pleas due to the fact that the court lacks subject matter jurisdiction over the only remaining claim in this case and § 1367 does not permit the court to exercise supplemental jurisdiction over this claim. The Report and Recommendation sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the magistrate judge's recommendation herein without a recitation.

The magistrate judge's Report and Recommendation 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. The recommendation 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 is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the magistrate judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

The parties were advised of their rights to file objections to the Report and Recommendation [ECF No. 46-4]. However, no objections were filed to the Report and Recommendation. In the absence of objections to the magistrate judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "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) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report and Recommendation 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, the court finds the Report provides an accurate summary of the facts and law and the record in this case. The court **ADOPTS** the magistrate judge's Report and Recommendation [ECF No. 46]. It is therefore **ORDERED** that the above listed case is **REMANDED** to the Allendale Court of Common Pleas.

IT IS SO ORDERED.



United States District Judge

December 4, 2013
Greenville, South Carolina