

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

Samuel Leroy Smith and	)	
Sarah Ann Phillips Smith,	)	
	)	
Plaintiffs,	)	C.A. No. 1:17-1767-HMH-KFM
	)	
vs.	)	<b>OPINION &amp; ORDER</b>
	)	
Progressive Insurance Company,	)	
State Farm,	)	
Nationwide Mutual Insurance Company,	)	
Carl Nicholas Walker,	)	
Laketia Natisha Boyd,	)	
Lucille B. Walker,	)	
	)	
Defendants.	)	

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Kevin F. McDonald, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 of the District of South Carolina.<sup>1</sup> Samuel Leroy Smith and Sarah Ann Phillips Smith (“Plaintiffs”), proceeding pro se, seek damages arising from a car accident on July 15, 2014. In his Report and Recommendation, Magistrate Judge McDonald recommends summarily dismissing the above-captioned case without prejudice and without issuance and service of process because the court lacks subject matter jurisdiction over Plaintiffs’ claim.

Plaintiffs filed objections to the Report and Recommendation. Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of

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<sup>1</sup> The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District 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 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 with instructions. 28 U.S.C. § 636(b)(1).

a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that the Plaintiffs' objections are non-specific, unrelated to the dispositive portions of the magistrate judge's Report and Recommendation, or merely restate their claims. Therefore, after a thorough review of the magistrate judge's Report and the record in this case, the court adopts Magistrate Judge McDonald's Report and Recommendation and incorporates it herein by reference.

It is therefore

**ORDERED** that Plaintiffs' complaint, docket number 1, is summarily dismissed without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
Senior United States District Judge

Greenville, South Carolina  
October 6, 2017

#### **NOTICE OF RIGHT TO APPEAL**

Plaintiffs are hereby notified that they have the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.