

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

SunTrust Bank,	)	Civil Action No.: 2:10-01440-CWH
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
Gerald John Vardzel, Jr.,	)	
	)	
Defendant.	)	
_____	)	

On June 4, 2010, the plaintiff, SunTrust Bank, filed this diversity action against the defendant, Gerald John Vardzel, Jr., seeking to collect on a promissory note. The defendant, who is pro se, answered the allegations of the complaint. On June 28, 2011, the plaintiff filed a motion for summary judgment. A Roseboro order was issued, and the defendant filed a response in opposition to the plaintiff's motion.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(e), D.S.C., this matter was referred to a United States Magistrate Judge for pre-trial proceedings and a report and recommendation. On October 5, 2011, the magistrate judge issued a report recommending that the plaintiff's motion for summary judgment be granted. (ECF No. 44). The magistrate judge specifically advised the defendant of the procedures and requirements for filing objections to the report and the serious consequences if he failed to do so. The defendant has filed no objections and the time for doing so has expired.

The magistrate judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the

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Court. See Mathews v. Weber, 423 U.S. 261, 271 (1976). 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. See 28 U.S.C. § 636(b). The Court is charged with making a de novo determination of any portion of the report of the magistrate judge to which a specific objection is made. However, in the absence of an objection, the Court reviews the report only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that “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.”) (citation omitted).

After reviewing the record of this matter, the applicable law, and the report and recommendation of the magistrate judge, the Court agrees with the conclusions of the magistrate judge. Accordingly, the Court adopts and incorporates the report and recommendation (ECF No. 44) by reference in this Order. The plaintiff’s motion for summary judgment (ECF No. 36) is granted, and judgment is entered for the plaintiff.

**AND IT IS SO ORDERED.**



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C. WESTON HOUCK  
UNITED STATES DISTRICT JUDGE

December 1, 2011  
Charleston, South Carolina

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Court.