

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

John G. Singletary, Jr., )  
Plaintiff, ) C/A No. 2:11-484-RMG  
v. )  
Wachovia Mortgage Corporation/Wells )  
Fargo, its agents, servants, employees, and )  
others collectively and individually, )  
Defendants. )

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**ORDER**

Wachovia Mortgage Corporation/Wells  
Fargo, its agents, servants, employees, and  
others collectively and individually,

Defendants.

This matter is before the Court on the Report and Recommendation ("R&R") of the Magistrate Judge recommending this Court grant Defendant's motion for summary judgment. (Dkt. No. 196). For the reasons set forth below, the Court agrees with and wholly adopts the R&R as the order of the Court.

**Background**

Plaintiff filed this civil action, pro se, pursuant to the Fair Housing Act, other federal statutes, as well as several state law causes of action. Because of Plaintiff's pro se status, this case was automatically referred to a United States Magistrate Judge for all pretrial proceedings pursuant to the provisions of 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) DSC. On November 21, 2012, Defendant filed a motion for summary judgment as to all Plaintiff's claims. (Dkt. No. 188). The Magistrate Judge then issued an R&R recommending this Court grant Defendant's motion. (Dkt. No. 196). Plaintiff then filed timely objections to the R&R in which he also asserted a cross motion for summary judgment. (Dkt. No. 202). Defendant then filed a reply to Plaintiff's objections. (Dkt. No. 206).

### **Legal Standard**

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a de novo determination of those portions of the R&R to which specific objection is made. Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). This Court may also “receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

### **Law/Analysis**

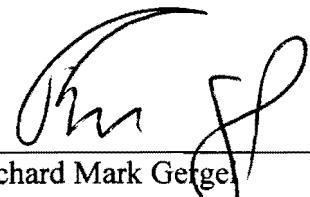
After review of the record, the R&R, and Plaintiff’s objections, the Court finds that the Magistrate Judge applied sound legal principles to the facts of this case and therefore wholly adopts the R&R as the order of the Court. (Dkt. No. 196).

Plaintiff’s objections to the R&R fail to establish any genuine dispute of material fact. Plaintiff’s objections mainly consist of conclusory arguments unsupported by facts or citations to the record. For example, Plaintiff argues that he submitted affidavits which compete with Defendant’s affidavits and that summary judgment is therefore improper. However, Plaintiff neither references any such affidavits in the record nor states on what material facts they conflict. Plaintiff also asserts that discovery in this case is ongoing, and that summary judgment would be premature. However, discovery in this case has been closed since October 23, 2012. (Dkt. No. 177). Finally, Plaintiff includes in his objections several articles from internet cites regarding Mortgage Electronic Registration Systems (“MERS”) and the Real Estate Settlement Procedures Act. The Court finds these articles do not create a genuine dispute of fact necessary to avoid granting summary judgment in Defendant’s favor.

Concluding his objections, Plaintiff asserts a cross motion for summary judgment citing Defendant's alleged misconduct relating to discovery. However, the deadline to file motions for summary judgment was November 21, 2012, and the Court finds no evidence of misconduct in the record. (Dkt. No. 84). Therefore, the Court denies Plaintiff's motion because it is untimely filed and because he has failed to present facts which entitle him to relief.

### **Conclusion**

For the reasons set forth above, the Court agrees with and adopts the R&R of the Magistrate Judge as the order of the Court. (Dkt. No. 196). Accordingly, the Court GRANTS Defendant's motion for summary judgment. (Dkt. No. 188). The Court DENIES Plaintiff's cross motion for summary judgment. (Dkt. No. 202).



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Richard Mark George  
United States District Court Judge

March 27, 2013  
Charleston, South Carolina