

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

Tracy Porchea,)	
)	No. 2:15-cv-2783-RMG
Plaintiff,)	
)	
vs.)	
)	
Google, Inc.; Whiting-Turner Contracting)	
Company; Cleveland Electric Company;)	ORDER
and Allison-Smith Company, LLC,)	
)	
Defendants.)	
_____)	

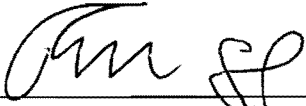
This matter comes before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge (Dkt. No. 23), recommending that the Defendants’ motions to dismiss (Dkt. Nos. 6, 9, 12, and 15) be denied. The parties were advised of their right to file objections to the R & R and a failure to file timely objections would result in limited review by the District Court and waiver of the right to appeal the judgment of the District Court. (Dkt. No. 23 at 25). No party timely filed objections to the R & R.

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 Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). This Court is charged with making a de novo determination of those portions of the R & R or specified proposed findings or recommendations to which objection is made. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting 28

U.S.C. § 636(b)(1)); *accord* Fed. R. Civ. P. 72(b). However, as to portions of the R & R to which no objection is made, this Court “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 note). Additionally, the Court need not give any explanation for adopting the R & R in the absence of specific objections by the parties. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983) (“Absent objection, we do not believe that any explanation need be given for adopting the report.”).

The Court has reviewed the Complaint in this matter, the R & R of the Magistrate Judge, and the relevant case law. The Magistrate Judge ably and thoroughly addressed the factual and legal issues in this matter and correctly concluded that Defendants are not entitled to dismissal of their actions. Therefore, the Court **ADOPTS** the R & R of the Magistrate Judge (Dkt. No. 23) as the order of the Court, and **DENIES** Defendants’ motions to dismiss (Dkt. Nos. 6, 9, 12 and 15).

AND IT IS SO ORDERED.


Richard Mark Gergel
United States District Judge

November 23, 2015
Charleston, South Carolina