

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

Alicia Daniel,)
)
 Plaintiff,)
)
 v.)
)
 GAT Airline Ground Support,)
)
 Defendant.)
 _____)

ORDER

Civil Action No. 2:23-cv-201-BHH

This matter is before the Court upon Plaintiff Alicia Daniel’s (“Plaintiff”) complaint alleging a claim for failure to accommodate under the Americans with Disabilities Act (“ADA”). A summons was issued on January 17, 2023, with a service deadline of April 17, 2023. (ECF No. 3.) In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary determinations.

On May 1, 2023, Magistrate Judge Mary Gordon Baker issued a report and recommendation (“Report”), outlining the issues and recommending that the Court dismiss this action for lack of prosecution, pursuant to Rule 4(m) of the Federal Rules of Civil procedure, and noting that the 90-day period for service of process has passed and that it does not appear that Plaintiff intends

to execute service in this action. Attached to the Magistrate Judge's Report was a notice advising Plaintiff of his right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the 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 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter 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.'") (quoting Fed. R. Civ. P. 72 advisory committee's note).

Here, because no objections were filed, the Court has reviewed the

record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge's analysis. Accordingly, the Court adopts the Magistrate Judge's Report (ECF No. 6) and hereby dismisses this action without prejudice for lack of prosecution pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

/s/Bruce H. Hendricks

United States District Judge

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May 22, 2023
Charleston, South Carolina