

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Tressa R. Glover,	)	C/A No. 3:08-2254-JFA-BM
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
University Motor Company,	)	
	)	
Defendant.	)	
_____	)	

The *pro se* plaintiff, Tressa R. Glover, brings this action under the Fair Debt Collection Act, 15 U.S.C. §§1692. Under the court's initial order in this case, plaintiff was directed to pay the filing fee or submit appropriate documents to apply to proceed *in forma pauperis*.<sup>1</sup> Plaintiff was also directed to submit fully completed service forms for the defendant.

The Magistrate Judge assigned to this action<sup>2</sup> has prepared a Report and Recommendation wherein he suggests that this court should dismiss the action due to plaintiff's failure to comply with this court's order and for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Report sets forth in detail the

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<sup>1</sup> The Magistrate Judge notes that the initial order directing payment of the filing fee was not returned as undeliverable.

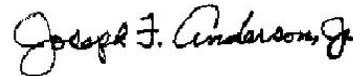
<sup>2</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is 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).

relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of her right to file objections to the Report and Recommendation, which was entered on the docket on August 14, 2008. The plaintiff filed a response<sup>3</sup> to the Report within the time limits prescribed.

Though correct in his reasoning, the Magistrate Judge's recommendation is no longer proper as the plaintiff has responded to the Report and it now appears she does not wish to abandon her litigation. Accordingly, this action referred back to the Magistrate Judge for further review of the merits of the case.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.  
United States District Judge

September 11, 2008  
Columbia, South Carolina

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<sup>3</sup> Under 28 U.S.C. § 636(b)(1), the district court is obligated to conduct a *de novo* review of every portion of the Magistrate Judge's Report to which objections have been filed. The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4<sup>th</sup> Cir. 2005). *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to timely file specific written objections to the Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4<sup>th</sup> Cir. 1984); *Wright v. Collins*, 766 F.2d 841 (4<sup>th</sup> Cir. 1985).