

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Lawrence Terry,	)	C/A No. 3:10-90-JFA-PJG
	)	
Plaintiff,	)	
v.	)	ORDER
	)	
Allen University,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff, proceeding *pro se*, brings this action against the defendant raising negligence allegations in connection with his lowered college grade point average.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation and opines that the plaintiff has failed to state a cognizable claim before this federal court. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation and without a hearing.

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on March 1, 2010. Plaintiff did not file timely objections to the report. In fact, on March 8, 2010, the copy of the Report mailed to the plaintiff was returned by the United States Postmaster as “undeliverable.”

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<sup>1</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 and Recommendation 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. *See* 28 U.S.C. § 636(b)(1).

The Magistrate Judge properly concludes that plaintiff's claims do not pose a federal question and as a result, this court is without federal jurisdiction to consider the claims. The Magistrate Judge opines that absent an assertion of federal claims, this court should not exercise supplemental jurisdiction over plaintiff's potential state law claims. Further, the Magistrate Judge opines that there is no diversity between the parties who are both residents of South Carolina, thus, federal diversity jurisdiction cannot be invoked.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper and incorporates the Report herein by reference. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

April 12, 2010  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge