

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

Loretta L. Samuel and William R. Samuel,

Plaintiffs,

v.

ESPN, Inc.,

Defendant.

C/A No.: 3:11-cv-0423-JFA

ORDER

Plaintiffs Loretta L. Samuel and William R. Samuel, proceeding *pro se*, brought the above-captioned copyright infringement action against numerous defendants, of which only ESPN, Inc. remains. In general, Plaintiffs allege that the defendant infringed their copyright during its coverage of the 2010 Fédération Internationale de Football Association (FIFA) World Cup. The primary matter before this court is ESPN's motion for summary judgment. *See* ECF No. 166.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation that the court grant ESPN's motion.² *See* ECF No. 197. The Report and Recommendation sets forth the relevant facts and standards of law on this matter, and the court incorporates such without a recitation. Plaintiffs were advised of their right to file objections to the Report and Recommendation, which was mailed to plaintiffs on March 6, 2013. However, plaintiffs did not file any objections.

¹ 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).

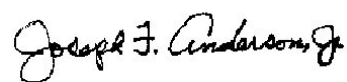
² An order was issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), notifying plaintiffs of the summary judgment dismissal procedure and possible consequences if they failed to adequately respond to the motion for summary judgment. Plaintiffs responded to the motion.

Instead, plaintiffs filed two documents—a “Motion for Statutory [Sic] Damages,” ECF No. 201, and what appears to be their third response to ESPN’s motion for summary judgment, ECF No. 204—both of which argue several very general aspects of copyright law and seek statutory damages. Even were this court willing to overlook the untimeliness of these documents under the scheduling order in this case and the Local Rules of this District, they in no way constitute “specific” written objections to any portion of the Report and Recommendation. *See* FED. R. CIV. P. 72(b). Indeed, neither document even refers to the Report and Recommendation. In other words, these documents appear to merely reassert many of the same arguments plaintiffs initially made in response to ESPN’s motion for summary judgment. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983); *see also* 28 U.S.C. § 636(b)(1) (providing that a judge “shall make a de novo determination of those portions of the report . . . to which objection is made”).

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge’s recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference in its entirety. Accordingly, the court hereby grants ESPN’s motion for summary judgment. In light of this ruling, the court also denies as moot all of the plaintiffs’ pending motions for trial, hearings, settlement, and/or statutory damages. *See* ECF Nos. 164, 181, 186, 187, 191, & 201. This case is dismissed with prejudice.

IT IS SO ORDERED.

May 16, 2013
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge