

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

Donna L. Cronin,)	
)	C/A No. 3:11-0471-MBS-JRM
Plaintiff,)	
)	
vs.)	
)	ORDER
South Carolina Department of)	
Corrections,)	
)	
Defendant.)	
_____)	

Plaintiff Donna L. Cronin filed the within action in the Court of Common Pleas for Richland County, South Carolina, alleging that she was subjected to a hostile work environment and retaliated against while employed with Defendant South Carolina Department of Corrections. She brings claims under 42 U.S.C. § 2000e and 42 U.S.C. § 1983, as well as state law claims for wrongful discharge and negligent supervision. Defendant removed the action to this court on February 28, 2011. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling.

On March 7, 2011, Defendant filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6), asserting that the complaint lacks sufficient factual matter to establish jurisdiction or to state a claim to relief that is plausible on its face. See Ashcroft v. Iqbal, 129 S. Ct. 1937, 1949 (2009). On November 4, 2011, the Magistrate Judge issued a Report and Recommendation in which he thoroughly reviewed the allegations of the complaint and concluded that Plaintiff adequately had pleaded her claims for relief. Accordingly, the Magistrate Judge recommended that Defendant's

motion be denied. No party filed objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). 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.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. Defendant’s motion to dismiss (ECF No. 4) is **denied**. The action is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

December 7, 2011.