

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

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|--------------------------------------|---|--------------------------|
| Joseph Thomas, family McQuatters, |) | C/A NO. 3:13-130-CMC-PJG |
| |) | |
| Plaintiff, |) | |
| |) | OPINION and ORDER |
| v. |) | |
| |) | |
| ABN AMRO Mortgage Group, Inc.; |) | |
| Finkle Law Firm; Beverly J. Finkle; |) | |
| Thomas A. Shook; CitiMortgage, Inc.; |) | |
| Robinson, Bradshaw, and Hinson |) | |
| Law Firm; and Brian L. Church, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

This matter is before the court on Plaintiff's *pro se* complaint alleging various violations of state and federal law. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(e), DSC, this matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings and a Report and Recommendation ("Report"). On October 16, 2013, the Magistrate Judge issued a Report recommending that this action be dismissed without prejudice for failure to serve Defendants within the time frame provided for in Federal Rule of Civil Procedure 4(m). The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has moved for an extension of time to effect service. *See* ECF Nos. 40-42.

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. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo*

determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After conducting a *de novo* review of the record, and after considering the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiff's letters, the court **grants** Plaintiff's motions for an extension of time (ECF Nos. 40-42) and determines that Plaintiff should be provided an extension of time to effect service upon Defendants. Plaintiff shall have until **Friday, November 15, 2013**, to effect service on Defendants and file evidence of this service with the court. No further extensions shall be granted.

If service is accomplished within the time frame ordered by this court, this matter shall be re-referred to the United States Magistrate Judge for further proceedings. If Plaintiff fails to effect service and provide proof of service to the court by the above-stated deadline, this matter will be dismissed without prejudice.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
October 30, 2013