

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

Gwendolyn Thomas,)	C/A No.: 3:13-647-JFA-SVH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Richland County School District II,)	
)	
Defendant.)	
_____)	

The *pro se* plaintiff, Gwendolyn Thomas, filed this action alleging race and age discrimination relating to her employment with the defendant.

On May 21, 2014, the Magistrate Judge assigned to this matter¹ received a Suggestion of Death from the defendant. The Magistrate Judge then prepared a Report and Recommendation noting that under Rule 25(a)(1) of the Federal Rules of Civil Procedure, no party has filed a motion to substitute as party plaintiff within 90 days of the Suggestion of Death, and thus, the action should be dismissed. The Magistrate Judge also notes that counsel for the defendant served the Suggestion of Death at the plaintiff’s address of record. Finally, no objections to the Report and Recommendation have been filed and the time within which to do so has expired.

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 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).

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 court, therefore, adopts the recommendation of the Magistrate Judge in full and incorporates this Report by specific reference.

Accordingly, this action is dismissed without prejudice pursuant to Rule 25(a) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

September 8, 2014
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge