

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

Pamela Caldwell,)	C/A NO. 3:13-1202-CMC-TER
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
)	
Correct Care Solutions, LLC,)	
)	
Defendant.)	
_____)	

This matter is before the court on Plaintiff’s complaint asserting violations of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101, *et seq.* Defendant filed a motion for summary judgment, to which Plaintiff responded with her own motion for summary judgment.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(g), DSC, this matter was referred to United States Magistrate Judge Thomas E. Rogers III for pre-trial proceedings and a Report and Recommendation (“Report”) on dispositive issues. On May 27, 2015, the Magistrate Judge issued a Report recommending that Defendant’s motion for summary judgment be granted, that Plaintiff’s motion for summary judgment be denied, and this matter be dismissed with prejudice. ECF No. 75. The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. The parties have filed no objections and the time for doing so has expired.

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). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “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.”) (citation omitted).

After reviewing the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order.¹

Defendant’s motion for summary judgment (ECF No. 54) is **granted**, Plaintiff’s motion for summary judgment (ECF No. 62) is **denied**, and this matter is dismissed with prejudice.

IT IS SO ORDERED.

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

Columbia, South Carolina
June 24, 2015

¹The court notes that a case relied upon by the Magistrate Judge has been overruled on other grounds other than those relied upon by the Magistrate Judge. *See* Report at 19 (citing *Jordan v. Alternative Res. Corp.*, 458 F.3d 332 (4th Cir. 2006), *overruled on other grounds*, *Boyer-Liberto v. Fontainebleau Corp.*, ___ F.3d. ___, 2015 WL 2116849 (4th Cir. May 7, 2015)).