

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

Slep-Tone Entertainment Corporation,)	Civil Action No.: 3:13-2071-MGL
)	
Plaintiff,)	
)	
v.)	
)	
Jeremy Kelly d/b/a DJ Slinky d/b/a Kelly Entertainment; Linda Y. Love d/b/a Red Eyed Karaoke; Shelly Omeara d/b/a DJ Shelly; and Shooter's Grill & Pub, Inc.,)	<u>OPINION AND ORDER</u>
)	
Defendants.)	
)	
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Plaintiff Slep-Tone Entertainment Corporation (“Plaintiff”) brought this action against the named defendants alleging claims of trademark infringement, unfair competition, and violation of the South Carolina Unfair Trade Practices Act. (ECF No. 1.) The matter is before the Court for review of the Report and Recommendation of the United States Magistrate Judge recommending that Defendant Linda Y. Love d/b/a Red Eyed Karaoke be dismissed as a party to this action and that Plaintiff’s claims against Defendant Shelly Omeara d/b/a DJ Shelly be dismissed with prejudice. The August 22, 2014 Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina. (ECF No. 129.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made.

The parties were advised of their right to file objections to the Report and Recommendation. (ECF No. 129 at 3.) No objections were filed, and the time for doing so expired on September 8, 2014. 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).

After a careful review of the record, the applicable law, and the Report and Recommendation, the Court adopts the Report. Therefore, Defendant Linda Y. Love d/b/a Red Eyed Karaoke is dismissed as a party to this action as Plaintiff has filed a new, separate civil action against that defendant, C/A No. 3:14-3386-MGL. Further, because Plaintiff has not pursued a new civil action against Defendant Shelly Omeara d/b/a DJ Shelly in accordance with this Court’s previous order, Plaintiff’s claims against Defendant Omeara are hereby dismissed with prejudice.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

September 11, 2014
Spartanburg, South Carolina