

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

Robert Scurry,

Plaintiff,

v.

The Lutheran Homes of South Carolina, Inc.,
d/b/a/ Heritage at Lowman Lutheran Homes of
S.C.; The South Carolina Synod of the
Evangelical Lutheran Church in America, Inc.,

Defendants.

C/A No.: 3:13-2808-JFA-PJG

ORDER

The plaintiff, Robert Scurry (“Plaintiff”), filed this employment action alleging violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et seq.*, and 42 U.S.C. § 1981, as well as raising a state law claim for breach of contract. Defendant The South Carolina Synod of the Evangelical Lutheran Church in America, Inc. (“Lutheran Synod”) filed a motion to dismiss Plaintiff’s first and third causes of action against it. (ECF No. 9.). Plaintiff filed a response in opposition (ECF No. 12.), and Defendant Lutheran Synod replied. (ECF No. 16.) This matter is before the court on Defendant Lutheran Synod’s motion to dismiss under FED. R. Civ. P. 12(b)(1), (6), and 12(f).

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she recommends that the court grant Lutheran Synod’s motion to

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 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. 28 U.S.C. § 636(b)(1).

dismiss. The Report and Recommendation sets forth the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

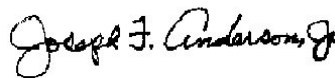
Plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on July 10, 2014. (ECF No. 28.) However, Plaintiff did not file any objections. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

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 Report is incorporated herein by reference in its entirety.

Accordingly, Defendant Lutheran Synod's motion to dismiss Plaintiff's first and third causes of action is granted. Therefore, the court dismisses, with prejudice, Plaintiff's claims against Lutheran Synod for: violation of civil rights—racial discrimination and violation of civil rights—gender/sex discrimination. This file shall be returned to the Magistrate Judge for further handling.

IT IS SO ORDERED.

September 3, 2014
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge