

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Albert D. Haynes,)	Civil Action No. 3:14-cv-352-MGL
)	
Appellant,)	
)	
v.)	
)	
William K. Stephenson, Jr.,)	<u>OPINION AND ORDER</u>
)	
Trustee.)	
_____)	

Appellant Albert D. Hayes (“Appellant”), proceeding *pro se*, appeals a ruling of the United States Bankruptcy Court for the District of South Carolina dismissing his Chapter 13 action with prejudice and barring him from refile for a period of one year. (ECF No. 1.) This matter is now before the Court upon the Magistrate Judge’s Report and Recommendation filed on January 26, 2015, recommending that the Bankruptcy court’s order be affirmed and Appellant’s appeal dismissed. (ECF No. 24.)

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The Court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made. Appellant was advised of his right to file objections to the Report and Recommendation. (ECF No. 24 at 13.)

However, he has not done so and objections were due on February 12, 2015. 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 finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference. The decision of the bankruptcy court is hereby affirmed and this appeal dismissed.

IT IS SO ORDERED.

/s/Mary G. Lewis
United States District Judge

Columbia, South Carolina
February 18, 2015

NOTICE OF RIGHT TO APPEAL

Appellant is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.