

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

STATE OF SOUTH CAROLINA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:14-1371-TLW
)	
JAMES THOMAS MCBRIDE,)	
)	
Defendant.)	
)	
_____)	

ORDER

Defendant James Thomas McBride filed a notice of removal purporting to remove criminal prosecution 2013GS3206035 from the Lexington County Court of General Sessions to the United States District Court. (Doc. #1). This matter is before the Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Shiva V. Hodges, to whom this case was assigned pursuant to 28 U.S.C. § 636 and Local Civil Rule 73.02(B)(2), (D.S.C.). In the Report, the Magistrate Judge recommends that this Court remand the matter to state court for lack of subject matter jurisdiction. (Doc. #8). Petitioner filed timely objections to the Report on May 5, 2014 (Doc. #10), and this matter is now ripe for disposition.

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court’s

review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)
(citations omitted).

The Court has carefully reviewed the Report and Petitioner's objections thereto in accordance with this standard, and it concludes that the Magistrate Judge accurately summarizes the case and the applicable law. Accordingly, it is hereby **ORDERED** that the Report and Recommendation is **ACCEPTED** (Doc. #8), and Petitioner's objections thereto are **OVERRULED** (Doc. #10). For the reasons articulated by the Magistrate Judge, this matter is **REMANDED** to state court.

IT IS SO ORDERED.

s/ Terry L. Wooten

Terry L. Wooten
Chief United States District Judge

November 3, 2014
Columbia, South Carolina