

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

Louie Lawton Smith, Jr.,

Plaintiff,

v.

The Print Machine, Inc., a South Carolina Corporation; Kasey Cooper Fay, President of T.P.M., Inc.; Jim Norris, Human Resource Manager of T.P.M.; Chris Fay, Vice President of T.P.M.; Jerry Cooper, Chairman of T.P.M.; and Matt Luther, T.P.M. Manager of Columbia,

Defendants.

C/A No. 3:16-2918-JFA-SVH

ORDER

Louie Lawton Smith, Jr. (“Smith”), proceeding pro se, filed an action alleging wrongful termination against his former employer, The Print Machine Inc., and some of its management employees. (ECF No. 1). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., the case was referred to the Magistrate Judge. After the Magistrate Judge authorized service of process, (ECF No. 22), Smith moved for summary judgement. (ECF No. 26). The sole issue addressed by this Report and Recommendation is whether the motion should be denied without prejudice as premature.

The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”) and opines that Smith’s motion for summary judgment is

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(B)(2)(g) (D.S.C.). 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 and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the

premature, because no defendant had answered or made an appearance at the time of filing. Since the filing of this motion, all defendants have made an appearance, filed an answer, and moved for summary judgment. (ECF No. 29 & 31). Additionally, Plaintiff has filed a subsequent motion for summary judgment. (ECF No. 37).

The Report sets forth in detail the relevant facts and standards of law on this matter, and this court incorporates those facts and standards without a recitation. Smith was advised of his right to object to the Report, which was entered on the docket on December 6, 2016. However, Smith failed to file any objections to the Report. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give an 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, as well as the Report, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation. (ECF No. 27). Smith's initial motion for summary judgment (ECF No. 26) is **DENIED** without prejudice.

IT IS SO ORDERED.

January 26, 2017
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge

Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1).