

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

Deutsche Bank National Trust Company,
As Trustee for Soundview Home Loan
Trust 2006-1, Asset-Backed Certificates,
Series 2006-1,

Plaintiff,

vs.

Helen Valencia Thomas,

Defendant.

Civil Action No. 3:17-cv-1649-CMC

OPINION AND ORDER

This matter is before the court on Defendant's notice of removal seeking to remove a mortgage foreclosure action against her in the Court of Common Pleas in Richland County, South Carolina. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2), D.S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for pre-trial proceedings and a Report and Recommendation ("Report") on dispositive issues. On June 30, 2017, the Magistrate Judge issued a Report recommending that this matter be summarily dismissed without prejudice and without issuance and service of process. ECF No. 9. The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. Defendant filed a "Notice of Correciton" (sic) (ECF No. 12) and "Brief for Removal" (ECF No. 13), which this court will construe as objections to the Report, on July 19, 2017.

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. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection

is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b).

After considering *de novo* the record, the applicable law, the Report and Recommendation of the Magistrate Judge, and Defendant's filings in response to the Report, the court agrees with the Report's recommendation the matter be remanded. Defendant seeks removal of the state court proceedings to this federal court; however, she does not meet the statutory requirements to do so. There are no federal claims identified on the face of the Complaint. Nothing in Defendant's notice of correction¹ or brief for removal alters this conclusion. For the reasons above, the court adopts the Report and incorporates it by reference. This matter is remanded to the Court of Common Pleas of Richland County, South Carolina.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
July 24, 2017

¹ Defendant's notice of correction and change of venue appears to seek a change of venue from the "United States District Court for the District of South Carolina" to the "Administrative Office of the United States Courts US District Court for South Carolina." ECF No. 12. The Administrative Office of the U.S. Courts does not hear cases. To the extent Defendant's filing seeks a "change in venue" to the Administrative Office, this motion is denied.