

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

State of South Carolina

C/A No. 3:17-1811-JFA

Plaintiff,

v.

ORDER

Ariel Feyetta Tucker,

Defendant.

The defendant, Ariel Tucker, proceeding *pro se*, filed an amended notice of removal from City of Columbia Municipal Court removing certain traffic court matters in which she is a defendant. She seeks to remove these matters to this court on the basis of federal question jurisdiction.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she suggests that this court should remand the matter back to the City of Columbia. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The parties were advised of their right to file objections to the Report and Recommendation, which was entered on the docket on August 11, 2017 (ECF No. 7).

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).

However, neither party filed objections and the time within which to do so has now expired. 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).


The Magistrate Judge is correct that criminal defendants may only remove state criminal prosecutions to federal court in rare circumstances. See 28 U.S.C. § 1442. In addition, the Magistrate Judge properly notes that Ms. Tucker has not sufficiently met the requirements for removal to this court.

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 adopted and incorporated herein by reference.

Accordingly, this action is remanded to the City of Columbia Municipal Court.

IT IS SO ORDERED.

August 30, 2017
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge