

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

US Bank, N.A., successor trustee to Bank of )  
 America, N.A., successor in interest to )  
 LaSalle Bank National Association, on )  
 behalf of the registered holders of Bear Stearns )  
 Asset Backed Securities 1 Trust 2005-FEK, )  
 Asset-Backed Certificates, Series 2005-1-LE, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Lyvonne Able and Mary Linda Smalls Able, )  
 on behalf of Lyvonne Able and Mary Linda )  
 Smalls Able, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

**C/A No.: 3:17-cv-02100-JFA**

**ORDER**

The pro se Defendants, Lyvonne Able and Mary Linda Smalls Able (“Defendants”), filed a notice of removal that purports to remove a state court foreclosure action filed by US Bank, NA, successor trustee to Bank of America, NA, successor in interest to LaSalle Bank National Association, on behalf of the registered holders of Bear Stearns Asset Backed Securities I Trust 2005-HE2, Asset-Backed Certificates, Series 2005-HE2 (“US Bank”). (ECF No. 1). Pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(c) (D.S.C.), this case was referred to a Magistrate Judge for review.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and

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

Recommendation (“Report”) and opines that the Court should remand this action back to the Court of Common Pleas for the Fifth Judicial Circuit, Richland County, South Carolina. The Report sets forth in detail the relevant facts and standards of law on this matter, and the Court incorporates such without a recitation and without a hearing.

The Defendants were advised of their right to file objections to the Report, which was entered on the docket on August 31, 2017. (ECF No. 10). The Defendants filed their Objection to the Report on September 12, 2017. (ECF No. 13). Although the Defendants filed an Objection to the Report, none of the Defendants’ assertions within the Objection were specific objections to the Magistrate’s Report. See (ECF No. 13). To the contrary, the Defendants stated that they conditionally accept the Magistrate’s recommendation. (ECF No. 13 p. 11). In the absence of specific objections to the Magistrate Judge’s Report, 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).

After carefully reviewing the applicable laws, the record in this case, as well as the Report and Recommendation, the Court finds the Magistrate Judge’s recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the Report and Recommendation (ECF No. 10). Therefore, this case is remanded back to the Court of Common Pleas for the Fifth Judicial Circuit, Richland County, South Carolina.

IT IS SO ORDERED.

November 13, 2017  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge