

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

J & J Sports Productions Inc,)	C/A No. 3:17-cv-02413-DCC
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
800 Grand Family LLC d/b/a Skores a/k/a)	
Primetime Sports Bar & Grill,)	
Sandra F. Simpkins,)	
)	
Defendants.)	

This matter is before the Court on Plaintiff’s Complaint alleging conversion and violations of the Communications Act of 1934 (as amended, 47 U.S.C. § 605) and the Cable & Television Consumer Protection and Competition Act of 1992 (as amended, 47 U.S.C. §553). ECF No. 1. Pro se Defendant Sandra F. Simpkins filed a Motion to Dismiss on October 3, 2017. ECF No. 7. Plaintiff filed a Response in Opposition to the Motion to Dismiss on October 12, 2017, ECF No. 11, and Defendant Simpkins did not reply. This Motion is now ripe for resolution.

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 November 3, 2017, the Magistrate Judge issued a Report recommending that the Motion to Dismiss be denied. ECF No. 14. The Magistrate Judge advised Defendant Simpkins of the procedures and requirements for filing objections to the Report and the serious consequences if she failed to do so. Nevertheless, Defendant Simpkins has filed no such objections, and the time to do so has passed.

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* U.S.C. 636(b). The Court will review the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s recommendation that Defendant Simpkins’s Motion to Dismiss be denied. Accordingly, the Court adopts the Report by reference in this Order. Defendant Simpkins’s Motion to Dismiss is denied.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

December 20, 2017
Spartanburg, South Carolina