

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

Roselyn Wise,)	
)	C/A No. 3:17-2448-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER AND OPINION
South Carolina Department of Revenue,)	
)	
Defendant.)	
_____)	

On September 13, 2017, Plaintiff Roselyn Wise, proceeding pro se, filed a “Petition for Judicial Review of the Final Decision of the State Employee Grievance Committee” against her former employer, Defendant South Carolina Department of Revenue. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling.

The Magistrate Judge reviewed the petition pursuant 28 U.S.C. § 1915. On October 5, 2017, the Magistrate Judge issued a Report and Recommendation in which she determined the court lacks subject matter jurisdiction over Plaintiff’s claims. Accordingly, the Magistrate Judge recommended that the petition be summarily dismissed with prejudice and without issuance and service of process. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1).

This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. This court is obligated to conduct a de novo review of every portion of the Magistrate Judge's report to which objections have been filed. Id. In the absence of a 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." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. As the Magistrate Judge properly found, the court lacks diversity or federal question jurisdiction. See 28 U.S.C. §§ 1331, 1332. Moreover, federal courts have no appellate jurisdiction over decisions of quasi-judicial proceedings of state agencies such as is issue herein. See Thana v. Bd. of License Comm'rs, 827 F.3d 314, 319 (4th Cir. 2016). The court adopts the Report and Recommendation and incorporates it herein by reference. Plaintiff's petition is summarily dismissed with prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

November 6, 2017