

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

Desa Ballard and Desa Ballard P.A.,)
d/b/a Ballard & Watson,)
)
Plaintiffs,)
)
v.)
)
Admiral Insurance Company, Monitor)
Liability Managers, Mendes & Mount,)
LLP, Adele R. Pope, individually and as)
Special Administrator of the Estate of)
Gloria Corley,)
)
Defendants.)
_____)

C/A No. 3:17-2916-DCC

OPINION AND ORDER

Plaintiffs filed an action in the Court of Common Pleas for Richland County, seeking, *inter alia*, to enforce the terms of Plaintiffs’ malpractice insurance contract. ECF No. 1-1 at 2–20. Defendants Admiral Insurance Company, Monitor Liability Managers, and Mendes & Mount, LLP, filed a Notice of Removal. ECF No. 1. Thereafter, Plaintiffs filed a Motion to Remand. ECF No. 19. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (D.S.C.), this matter was referred to a United States Magistrate Judge for pre-trial handling. The Magistrate Judge issued a Report and Recommendation (“Report”) on March 20, 2018, recommending that the Court remand this matter to State Court. ECF No. 32 at 2. Neither party filed objections to the Report.

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 this Court. *Mathews v. Weber*, 423 U.S. 261, 270–71. The Court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the

Court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (“[I]n 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.’” (quoting Fed. R. Civ. P. 72 advisory committee’s note to 1983 addition)).

Having reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge, the Court finds no clear error and adopts the Report by reference in this Order. Therefore, the case is **REMANDED** to the Court of Common Pleas for Richland County.

IT IS SO ORDERED.

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

April 11, 2018
Spartanburg, South Carolina