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

Jerome Mathis, Plaintiff, v. Interstate Contract Cleaning, Services, Inc.; Scott Turner; and Kimberly Durden, Defendants.	)	C/A No. 3:17-cv-3094-TLW **ORDER**

Plaintiff Jerome Mathis filed this action against Interstate Contract Cleaning, Services, Inc., Scott Turner, and Kimberly Durden, alleging discrimination, workplace injury, and negligence. ECF Nos. 1, 54. On March 27, 2018, Defendants filed a Motion to Dismiss for Failure to State a Claim. ECF No. 23. Subsequently, Plaintiff filed a Motion for Judgment, ECF No. 27, and also filed a response opposing the motion to dismiss, ECF No. 35. Defendants opposed the Plaintiff's motion and also filed a reply in support of their motion to dismiss. ECF Nos. 33, 37. Thereafter, Plaintiff filed "supporting documents" and a reply in support of his motion for judgment. ECF Nos. 39, 42, 48.

This matter now comes before the Court for review of the Report and Recommendation (the Report) filed by United States Magistrate Judge Kevin F. McDonald, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b)(1)(A) and Local Civil Rule 73.02(B)(2)(e), (D.S.C.). ECF No. 57. In the Report, the Magistrate Judge recommends granting the motion to dismiss, denying the motion for judgment, and dismissing this action with prejudice.

Id. Plaintiff filed objections to the Report, ECF No. 61, to which Defendants replied, ECF No. 62. This matter is now ripe for disposition.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In conducting its review, the Court applies the following standard:

> The magistrate judge makes only a recommendation to the Court, to which any party may file written objections . . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court has reviewed, *de novo*, the applicable law, the Report, the objections, and other relevant filings. As noted in the Report, the Plaintiff was informed of the defects in his original complaint and allowed an opportunity to correct the errors. However, Plaintiff's amended complaint fails to cure the defects in his original pleadings. The Court adopts the Magistrate Judge's careful factual and legal analysis concluding that Plaintiff failed to plead sufficient facts to support claims for discrimination pursuant to Title VII, the Americans with Disabilities Act, and the Age Discrimination in Employment Act, and that Plaintiff's claims for workplace injury are precluded by the South Carolina Worker's

Compensation Act. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Plaintiff's objections, ECF No. 61, are **OVERRULED** and the Report, ECF No. 57, is **ACCEPTED**. Plaintiff's motion for judgment, ECF No. 27, is **DENIED** and Defendant's motion to dismiss, ECF No. 23, is **GRANTED**. This case is hereby **DISMISSED**.

IT IS SO ORDERED.

s/Terry L. Wooten
Chief United States District Judge

December 4, 2018
Columbia, South Carolina