

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

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|-------------------------------------|---|--------------------------|
| Regina M. Hunter El, |) | |
| |) | C/A No. 3:17-3373-MBS |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | ORDER AND OPINION |
| State of South Carolina Government, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

Plaintiff Regina M. Hunter El, proceeding pro se, filed a “Notice of Removal of a Criminal Prosecution” on December 14, 2017. Plaintiff contests the issuance and processing of a traffic ticket, contending that her constitutional rights have been violated. 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.

On January 22, 2018, the Magistrate Judge issued a proper form order in which she directed Plaintiff to pay the filing fee or complete, sign, and return an Application to Proceed without Prepayment of Fees and Affidavit. ECF No. 3. Plaintiff failed to do so. On March 6, 2018, the Magistrate Judge issued a Report and Recommendation in which she recommended that the matter be summarily dismissed because Plaintiff had failed to comply with an order of the court. The Magistrate Judge further reviewed the merits of the complaint and determined the court lacks subject matter jurisdiction. Accordingly, the Magistrate Judge recommended that the matter be summarily remanded to the Sumter County Summary Court. Plaintiff filed no objections to the Report and

Recommendation.¹

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. 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 & Ace. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation and incorporates it herein by reference. Plaintiff’s complaint is summarily remanded to the Sumter County Summary Court.

IT IS SO ORDERED.

/s/ Margaret Seymour
Senior United States District Judge

Columbia, South Carolina

April 10, 2018

¹ On March 16, 2018, Plaintiff filed a “Notice of Filing Ex Parte Application for Diplomatic Protection in the International Court of Justice / Notice of Disaffirmance of Nonviolator’s Resident Compact (NRVC) at Option of Minor.” ECF No. 12. The court discerns nothing responsive to the Report and Recommendation in Plaintiff’s Notice.