

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

In re Carrols LLC,)	Civil Action No.: 3:24-1031-MGL
)	
Appellant.)	
)	
)	<u>ORDER</u>
)	
)	

Appellant Carrols LLC filed a notice of bankruptcy appeal on February 29, 2024. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for a Report and Recommendation.

Appellant attempted to proceed pro se. On March 11, 2024, the Magistrate Judge issued a proper form order in which she advised Appellant that corporate litigants may not proceed in the district court without counsel. The Magistrate Judge directed Appellant to obtain counsel within fifty days of the date of the order, or the case would be summarily dismissed for failure to prosecute and failure to comply with an order of the court. See Fed. R. Civ. P. 41. Appellant failed to respond to the proper form order. Accordingly, on May 21, 2024, the Magistrate Judge issued a Report and Recommendation recommending the within bankruptcy appeal be summarily dismissed for Appellant's failure to comply with a court order and failure to prosecute.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the

Report and Recommendation to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Appellant was advised of its right to file objections to the Report and Recommendation. (ECF No. 10 at 3.) Appellant filed no objections. In the absence of objections to the Magistrate Judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "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) (quoting Fed. R. Civ. P. 72 advisory committee's note).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts the Magistrate Judge's Report and Recommendation (ECF No. 10) and incorporates it herein. Appellant's bankruptcy appeal is summarily dismissed, without prejudice.

IT IS SO ORDERED.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina

June 18, 2024