

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

Denise N. Jones,

Plaintiff,

v.

South Carolina Department of Juvenile
Justice; Erica R. Oliver, Worker's
Compensation Manager, in her official
capacity; and Ernest Brown, Associate Deputy
of Clinical Services, in his official capacity,

Defendants.

C/A No. 3:24-cv-3605-SAL

ORDER

Plaintiff Denise Jones filed this civil action on June 20, 2024, alleging causes of action under the Americans with Disabilities Act and state law. ECF No. 1. Defendants filed a motion to dismiss for failure to state a claim on July 30, 2024, ECF No. 6, after which Plaintiff filed a motion to dismiss her federal claims without prejudice. ECF No. 8. Plaintiff's counsel certified he consulted with opposing counsel, and Defendants did not file a response to the motion. This matter is before the court on the Report and Recommendation (the "Report") issued by United States Magistrate Judge Kevin F. McDonald, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), recommending Plaintiff's motion to dismiss be granted and that the court decline to exercise supplemental jurisdiction over the remaining claims. ECF No. 9. Neither party filed objections to the Report, and the time for doing so has expired.

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. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). 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 objections, the court is not required to provide an explanation for adopting the Report and 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) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 9, and incorporates it by reference herein. As a result, Plaintiff’s motion to dismiss, ECF No. 8, is **GRANTED**. The court declines to exercise supplemental jurisdiction over the remaining claims, and this matter is **DISMISSED without prejudice** pursuant to Fed. R. Civ. P. 41(a)(2).

IT IS SO ORDERED.

September 24, 2024
Columbia, South Carolina


Sherri A. Lydon
United States District Judge