

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

Rosanne Gauny,)	C.A. No. 4:06-504-TLW-TER
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
John E. Potter, Postmaster General,)	
)	
Defendant.)	
)	

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge Rogers recommends that the defendant’s motion for summary judgment be granted in part and denied in part. (Doc. # 45). More specifically, the Report finds that summary judgment should be granted as to plaintiff’s sexual discrimination/hostile work environment claim for failure to establish a prima facie case of sexual harassment, and that the summary judgment be denied as to the retaliation claim. Plaintiff and Defendant have both filed objections to the Report. (Docs. # 48 & # 47 respectively).

In conducting this 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 this standard, the Court has reviewed, de novo, the Report and the objections thereto.

For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 45), plaintiff's and defendant's objections are **OVERRULED** (Docs. # 48 & # 47 respectively) and defendant's motion for summary judgment (Doc. # 33) is **GRANTED** in part and **DENIED** in part as outlined herein and in the Report and Recommendation.

IT IS SO ORDERED.

s/ Terry L Wooten
TERRY L. WOOTEN

UNITED STATES DISTRICT JUDGE

September 23, 2008
Florence, South Carolina