

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

Randall Sain and Robert Jolly,)
)
 Plaintiffs,)
)
 vs.)
)
 HSBC Mortgage Services, Inc., and)
 Rogers, Townsend & Thomas, PC,)
)
 Defendants.)
 _____)

C.A. No. 4:08-2856-TLW-TER

ORDER

This action has been filed by the plaintiffs, who are now proceeding *pro se*. 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, III, 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 Defendants’ Motion to Dismiss (Document # 12) be granted in part. Specifically, the Report recommends that the claims against HSBC Mortgage Services, Inc. (hereinafter “HSBC”) should be dismissed pursuant to Rule 12(b)(5) for Plaintiffs’ failure to perfect service of process on HSBC. Additionally, the Report finds that dismissal is also appropriate as to the claims asserted by Plaintiff Sain because he lacks standing to assert those claims. Finally, the Report finds that Rogers, Townsend & Thomas, PC (hereinafter “RTT”) is immune from liability for Plaintiff Jolly’s claims except for his claim under the Fair Debt Collection Practices Act (hereinafter “FDCPA”). The Report notes that if the undersigned district judge accepts

the proposed recommendation, the only remaining cause of action will be Plaintiff Jolly's claim against RTT under the FDCPA. No objections to the Report have been filed.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report 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. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. Accordingly, for the reasons set forth and articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 36), and Defendants' Motion to Dismiss (Document # 12) is granted in part as outlined above and in the Report. The only remaining cause of action is Plaintiff Jolly's claim against RTT under the FDCPA.

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

August 28, 2009
Florence, South Carolina