

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 matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Shiva V. Hodges, 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 her Report, Magistrate Judge Hodges recommends that Defendant Rogers Townsend and Thomas’ Motion for Summary Judgment be granted (Doc. # 68); Plaintiff Jolly’s Motion for Summary Judgment be denied (Doc. # 71) and that the remaining motions be deemed moot. Plaintiff Jolly filed objections to the Report on June 22, 2010. A Reply was filed by Defendant Rogers Townsend and Thomas on July 8, 2010. Plaintiff Jolly filed a supplement to his Objections on July 14, 2010.

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. The Court accepts the Report.

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. # 79), Plaintiff's objections are **OVERRULED** (Docs. # 81 & # 85); Defendant Rogers Townsend and Thomas' Motion for Summary Judgment is **GRANTED** (Doc. # 68); Plaintiff Jolly's Motion for Summary Judgment is **DENIED** (Doc. # 71) and the remaining motions are deemed **MOOT**.

**IT IS SO ORDERED.**

s/ Terry L. Wooten

**TERRY L. WOOTEN**  
**UNITED STATES DISTRICT JUDGE**

July 22, 2010  
Florence, South Carolina