

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

Robert Lee Thomas,)
)
Plaintiff,)

C/A No. 4:09-2134-TLW-TER

vs.)

ORDER

National Labor Relations Board NLRB;)
Willie L Clark, Jr., Regional Director NLRB;)
Ronald Meisburg, NLRB Regional Counsel;)
Jane North, Agenda Committe NLRB;)
Professional Transportation, Inc.;)
Robert Shoddy, Vice President, PTI;)
Steven M. Gruelich, manager PTI;)
Robert Trevault, Vice President PTI;)
Bryan Powell, manager PTI;)
United Professional & Service Employees Union,)
Local 1222;)
Michael Ward, President/CEO of CSX;)
CSX unidentified employees Does, Trainmaster)
Florence, SC;)
Stuart J. Ishimaru, Acting EEOC Chairman;)
Ronald D. Romain, President/CEO of PTI, and)
United Companies LLC, parent to PTI,)
)
Defendants.)

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate 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 Defendants Professional Transportation, Inc. and United Professional & Service Employees Union, Local 1222’s Motions to Dismiss (Docs. # 60 & # 67, respectively) be granted and that this case be closed. (Doc. # 92). The Report was filed on

January 20, 2012. Plaintiff filed objections to the Report on February 7, 2012.

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. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. #92), Plaintiff's objections are **OVERRULED** (Doc. # 95); Defendants Professional Transportation, Inc. and United Professional & Service Employees Union, Local 1222's Motions to Dismiss (Docs. # 60 & # 67, respectively) are **GRANTED** and this case is to be closed.

IT IS SO ORDERED.

s/ Terry L. Wooten _____

TERRY L. WOOTEN

UNITED STATES DISTRICT JUDGE

March 1, 2012

Florence, South Carolina