

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

DENISE PRINCE,)	Civil Action No.: 4:11-cv-00833-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
CASUAL FURNITURE WORLD)	
OF MYRTLE BEACH and DAVID)	
YECK,)	
)	
Defendants.)	
)	

Plaintiff Denise Prince filed this action pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e) et seq., alleging sexual harassment during her employment with Defendant Casual Furniture World of Myrtle Beach. She also brings state law causes of action for outrage and assault and battery. She is proceeding pro se after her attorney withdrew from the case. The above-captioned Defendants filed a motion for sanctions, arguing Plaintiff's action should be dismissed for failing to comply with a discovery order. The matter is now before the Court for review of the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. The Magistrate Judge recommends that the Court grant Defendants' motion for sanctions and dismiss Plaintiff's complaint for failing to comply with a discovery order.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. 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 those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the

recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the Report and Recommendation. The mail sent by the Court to Plaintiff, which enclosed the Report and Recommendation, was returned as “Not Deliverable as Addressed,” and Plaintiff has not furnished the Court with a change of address, as she is required to do. See Mar. 28, 2012 Order, ECF No. 41. 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). The Court reviews only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’ ”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

ORDERED that Defendants’ motion for sanctions (ECF No. 67) be **GRANTED** and that Plaintiff’s complaint be **DISMISSED** without prejudice.

IT IS SO ORDERED.

s/ R. Bryan Harwell

R. Bryan Harwell
United States District Judge

Florence, South Carolina
May 7, 2013