

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

Robert Christian,)	Civil Action No.: 4:13-3301-BHH
)	
Plaintiff,)	
)	
vs.)	ORDER AND OPINION
)	
Travel Centers of America, LLC, d/b/a Petro;)	
and TA Operating, LLC, d/b/a Petro,)	
)	
Defendant.)	
_____)	

Plaintiff Robert Christian(“Plaintiff”) filed this action against Travel Centers of America, LLC, d/b/a Petro, and TA Operating, LLC, d/b/a Petro (“Defendants”) pursuant to the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101, *et seq.* and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA).

On January 8, 2014, Defendants filed a Motion to Dismiss and to Compel Arbitration. (ECF No. 7.) Plaintiff filed a response in opposition on February 18, 2014 (ECF No. 17) and Defendants filed a reply on February 27, 2014. (ECF No. 19.) In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C., this pretrial employment discrimination matter was referred to United States Magistrate Judge Thomas E. Rogers for consideration. The Magistrate Judge has prepared a thorough Report and Recommendation which recommends that Defendants’ Motion to Dismiss and Compel Arbitration be granted. The Report and Recommendation sets forth in detail the relevant facts and standards of law on this matter, and the Court incorporates such without a recitation.

The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may

accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). In the absence of a timely filed objection, a district court need not conduct a 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.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

The Magistrate Judge has recommended that Defendants’ Motion to Dismiss and Compel Arbitration (ECF No. 7) be granted, but that the case be stayed, rather than dismissed, pending the completion of arbitration. Plaintiff has filed no objections to the Report and Recommendation, and the time for doing so expired on July 17, 2014

After reviewing the motion, the record, and the Report and Recommendation of the Magistrate Judge, 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 Defendant's Motion to Dismiss and Compel Arbitration (ECF No. 7) is GRANTED. The parties are hereby ORDERED to arbitration, and this case is stayed pending completion of the same.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

July 23, 2014
Greenville, South Carolina