

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION**

James W. Wright,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 5:13-cv-02913-JMC
v.	)	
	)	<b>ORDER</b>
Bank of America, NA,	)	
	)	
Defendant.	)	
	)	
_____	)	

This matter is before the court for review of the magistrate judge’s Report and Recommendation (“Report”) (ECF No. 34), filed June 18, 2014, recommending that Defendant’s Motion to Dismiss (ECF No. 6) be granted on the basis that Plaintiff failed to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiff brought this action alleging that Defendant wrongfully foreclosed on his home. The Report sets forth the relevant facts and legal standards, which this court incorporates herein without a recitation.

The magistrate judge’s Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. 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 objections are made, and the court may accept, reject, or modify, in whole or in part, the magistrate judge’s recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Plaintiff was advised of his right to file objections to the Report. (ECF No. 34 at 10.) Plaintiff, however, did not file any objections to the Report.

In the absence of objections to the magistrate judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Instead, the court 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) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report and Recommendation results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough and careful review of the record, the court finds the magistrate judge's Report and Recommendation provides an accurate summary of the facts and law in the instant matter. The court **ADOPTS** the magistrate judge's Report (ECF No. 34). It is therefore **ORDERED** that Defendant's Motion to Dismiss (ECF No. 6) is **GRANTED**.

**IT IS SO ORDERED.**

A handwritten signature in black ink that reads "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

July 18, 2014  
Columbia, South Carolina