

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

Bobby C. Jenkins, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 McDonald, Patrick, Poston Hemphill )  
 & Roper, LLC; and Steven M. Pruitt, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

No. 5:14-cv-4498-RMG

**ORDER**

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Magistrate Judge recommending that Plaintiff’s *pro se* action be summarily dismissed without prejudice because the federal court lacks jurisdiction over the asserted claims. (Dkt. No. 13).

Plaintiff was advised that he had a right to file written objections to the R & R within 14 days of service of the R & R and a failure to file written objections could result in limited review by the District Court and a waiver of the right to appeal the judgment of the District Court. (Dkt. No. 13 at 6). Plaintiff filed no timely written objections.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the R&R to which specific objection is made. Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). This Court may also “receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

After review of the record and the R&R, the Court finds the Magistrate Judge applied sound legal principles to the facts of this case and therefore agrees with and adopts the R&R as the order of the Court. (Dkt. No. 13). Therefore, this action is dismissed without prejudice.

**AND IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'R. M. Gerget', written over a horizontal line.

Richard Mark Gerget  
United States District Court Judge

March 3, 2015  
Charleston, South Carolina