

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

| | | |
|--------------------------------------|---|------------------------------------|
| CitiMortgage, Inc., |) | |
| |) | Civil Action No: 5:15-cv-00100-JMC |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| King David Corbitt, |) | |
| Corporate Person Corbitt, |) | |
| King David in Propria Persona et al, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

Plaintiff, brought this action seeking relief pursuant to 28 U.S.C. § 1441. This matter is before the court for review of the magistrate judge's Report and Recommendation (“Report”), (ECF No. 9), filed on January 14, 2015, recommending Plaintiff’s Motion to Remand (ECF No. 6) be granted; and that this court remand this matter to state court. The Report sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the magistrate judge’s recommendation herein without a recitation.

The magistrate judge’s Report 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).

Defendant was advised of his right to file objections to the Report (ECF No. 9 at 55). However, Defendant filed no objections to the Report and Recommendation.

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). Rather, "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) (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).

Therefore, after a thorough and careful review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law. The court **ADOPTS** the magistrate judge's Report and Recommendation (ECF No. 9). The court hereby **GRANTS** the Motion to Remand of Plaintiff CitiMortgage, Inc. and **REMANDS** this action to the Orangeburg County Court of Common Pleas, South Carolina for further proceedings.

IT IS SO ORDERED.



United States District Judge

February 10, 2015
Columbia, South Carolina