

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

Beverley D. Wilson, also known as)	
Beverley Deloris Duncan-Wilson, also)	C/A No. 5:15-2230-MBS
known as Beverley Deloris Duncan-Stewart,)	
also known as Beverley Deloris Stewart,)	
doing business as Wilson Pediatrics)	
Incorporated,)	
)	
Appellant,)	
)	
vs.)	ORDER
)	
John T. Moss and Moss and Associates)	
P.A.,)	
)	
Appellees.)	
_____)	

On June 3, 2015, Appellant Beverley D. Wilson, proceeding pro se, filed an appeal from orders entered by the United States Bankruptcy Court in the underlying malpractice action against her bankruptcy attorneys. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for pretrial handling.

On June 15, 2015, the Magistrate Judge issued a Report and Recommendation in which she noted that Appellant is attempting to appeal orders issued by the Bankruptcy Court on April 27, 2015 and April 29, 2015. The Magistrate Judge noted that pursuant to Fed. R. Bankr. P. 8002(a), a notice of appeal must be filed with the bankruptcy clerk within fourteen days after entry of the judgment, order, or decree being appealed. The Magistrate Judge further observed that Appellant did not file a notice of appeal until June 1, 2015, well in excess of the requisite time period. Accordingly, the Magistrate Judge determined that the court lacks subject matter jurisdiction to hear the appeal. Appellant filed no objection to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This 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. 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 court has thoroughly reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. For the reasons stated herein and in the Report and Recommendation, the appeal is dismissed for lack of subject matter jurisdiction.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

July 9, 2015