

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

| | | |
|---|---|------------------------------------|
| Flagstar Bank, FSB, |) | |
| |) | Civil Action No. 5:16-cv-01979-JMC |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| Ruby Elaine Pinnex and Mortgage |) | |
| Electronic Registration Systems, Inc., as |) | |
| nominee for Homecomings Financial |) | |
| Network, Inc., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

This matter is before the court for a review of the United States Magistrate Judge’s Report and Recommendation (“Report”), filed on June 21, 2016. (ECF No. 9.) The Report recommends that the court deny Defendant Pinnex’s Motion to Proceed in Forma Pauperis, (ECF No. 3), and remand this action to the Court of Common Pleas of Calhoun County, South Carolina for lack of subject matter jurisdiction. The Report sets forth the relevant facts and legal standards which this court incorporates 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(B)(2)(a) for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, which 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 to which specific objections are made.

The parties were advised of their right to file objections to the Report within fourteen (14) days of the date of service of the Report. (ECF No. 9.) Plaintiff filed a Concurrence with

Report and Recommendation, (ECF No. 12), on July 1, 2016. Defendants did not respond to the Report.

In the absence of objections to the Magistrate Judge's Report, 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 & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (*quoting* Fed. R. Civ. P. 72 advisory committee's note).

After a thorough 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 IN PART AND REJECTS IN PART** the Magistrate Judge's Report and Recommendation (ECF No. 9). The court adopts the Report's recommendation regarding the court's lack of subject matter jurisdiction and directs the Clerk of Court to **REMAND** the action to the Court of Common Pleas of Calhoun County, South Carolina. The court rejects the Report's recommendation regarding Defendant Pinnex's Motion to Proceed in Forma Pauperis (ECF No. 3) based on the court's lack of subject matter jurisdiction.

IT IS SO ORDERED.



United States District Judge

July 12, 2016
Columbia, South Carolina