



process. (ECF No. 99.) The Report and Recommendation states that the Third Party Plaintiffs, because they are *pro se*, do not have standing to bring a civil action in this court on behalf of others, and that this Court is not permitted to certify a class action where a *pro se* litigant will act as the representative of that class. (ECF No. 99 at 3-4.)

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 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). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made.

The parties were advised of their right to file objections to the Report and Recommendation. (ECF No. 99 at 6.) No objections were filed, and the time for doing so expired on May 24, 2013. 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).

After a careful review of the record, the applicable law, and the Report and Recommendation, the Court adopts the Report and Recommendation. The Third Party Complaint (ECF No. 89) is DISMISSED without prejudice and without issuance or service of process.

IT IS SO ORDERED.

s/Mary G. Lewis  
United States District Judge

June 20, 2013  
Spartanburg, South Carolina