

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

James Edward Gomeringer,)
)
 Plaintiff,)
)
 vs.)
)
 John Pack,)
)
 Defendant.)
_____)

Civil Action No. 6:15-1048-TMC

ORDER

Plaintiff, James Edward Gomeringer, filed this action pursuant to 15 U.S.C. § 1681 of the Fair Credit Reporting Act (“FCRA”). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending that Defendant’s motion to dismiss (ECF No. 26) be granted as to the negligent violation of the FCRA claim and denied as to the willful violation of the FCRA claim. (ECF No. 39). No objections have been filed, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *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).

After a thorough review of the Report and the record in this case, the court adopts the magistrate judge's Report (ECF No. 26) and incorporates it herein. Accordingly, Defendant's motion to dismiss (ECF No. 26) is **GRANTED** as to the negligent violation of the FCRA claim and **DENIED** as to the willful violation of the FCRA claim.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

September 2, 2015
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.