

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

Larry Golden,)
)
Plaintiff,)
)
vs.)
)
Google, LLC,)
)
Defendant.)
_____)

Case No.: 6:21-cv-00244-JD-KFM

ORDER AND OPINION

This matter is before the Court with the Report and Recommendation (“Report”) of United States Magistrate Judge Kevin F. McDonald, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2) of the District of South Carolina.¹ (DE 39.) On January 26, 2021, Plaintiff Larry Golden (“Plaintiff” or “Golden”), proceeding *pro se*, brought this action asserting patent infringement by the Defendant Google, LLC (“Defendant” or “Google”) on Patents 10,163,287 (‘287 patent); 9,589,439 (‘439 patent); and 9,096,189 (‘189 patent), which are entitled “multi sensor detection, stall to stop and lock disabling system.” (DE 1; 1-1; 1-2; 1-3.) On April 9, 2021, the Report was issued recommending that the matter be dismissed. (DE 14.) On November 2, 2021, this Court issued an Order adopting the report and dismissing the case. (DE 21.) The Plaintiff appealed, and the Court of Appeals for the Federal Circuit reversed, finding that Plaintiff’s allegations were not facially frivolous and remanding the case to this Court for further proceedings. (DE 33.)

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District 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 objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Report was issued on November 14, 2022, recommending Plaintiff's action be dismissed without prejudice and without issuance and service of process because "it is duplicative of proceedings pending in Case Number [4:22-cv-05246-HSG] in the United States District Court for the Northern District of California." (DE 39, p. 8.)

Plaintiff has not filed an objection to the Report. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court 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).

Accordingly, after a thorough review of the Report and Recommendation and the record in this case, the Court adopts the Report (DE 39) and incorporates it herein.

It is, therefore, **ORDERED** that Plaintiff's Case is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.



Joseph Dawson, III
United States District Judge

April 19, 2023
Florence, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.