

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

Robert Clenton Wright, Jr.,)	Civil Action No.: 7:12-553-MGL
)	
Plaintiff,)	
)	
vs.)	ORDER AND OPINION
)	
AFL Telecommunications,)	
)	
Defendant.)	
_____)	

Plaintiff Robert Clenton Wright, Jr. (“Plaintiff”), who is proceeding *pro se*, filed this action against Defendant AFL Telecommunications (“Defendant”) alleging a sex discrimination claim and a retaliation claim, pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17. (ECF No. 1.)

On April 17, 2012, Defendant filed a Motion to Dismiss for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. (ECF No. 22.) Plaintiff filed a response in opposition on May 21, 2012 (ECF No. 26) and Defendant filed a reply on June 1, 2012. (ECF No. 32). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C., this pretrial employment discrimination matter was referred to United States Magistrate Judge Jacquelyn D. Austin for consideration. The Magistrate Judge has prepared a thorough Report and Recommendation which recommends that Defendant’s Motion to Dismiss be granted. The Report and Recommendation sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a 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 to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). 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 Magistrate Judge has recommended that Defendant's Motion to Dismiss (ECF No. 22) be granted as Plaintiff's claims are barred due to Plaintiff's failure to file a timely EEOC charge and for Plaintiff's failure to allege any facts tending to show a plausible entitlement to relief under Title VII. Plaintiff has filed no objections to the Report and Recommendation, and the time for doing so has expired.

After reviewing the motion, the record, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is ORDERED that Defendant's Motion to Dismiss for failure to state a claim is GRANTED.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

Spartanburg, South Carolina
October 30, 2012