

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

Shaneka Sharday Flournoy,)
)
 Plaintiff,)
)
 v.)
)
 Spartanburg Regional Medical Center,)
)
 Defendant.)
_____)

Civil Action No. 7:12-2792-TMC

ORDER

Plaintiff, proceeding pro se, brought this action pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.* 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 the court grant Defendant’s motion for summary judgment (ECF No. 35) and deny Plaintiff’s motion for summary judgment (ECF No. 40). Plaintiff was advised of her right to file objections to the Report. (ECF No. 64-1.) However, Plaintiff has not filed objections and the time to do so has now run.¹

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

¹ On August 30, 2013, Plaintiff appealed a text order granting Defendant an extension of the dates in the court’s scheduling order (ECF No. 49). (ECF No. 58.) While that order was on appeal, the magistrate judge issued her Report on the summary judgment motions. Although the appealed text order did not directly relate to the Report’s content, the court deferred ruling on the Report until the Fourth Circuit Court of Appeals ruled on the text order. The Fourth Circuit dismissed Plaintiff’s appeal for lack of jurisdiction on December 19, 2013. (ECF No. 68.)

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 record in this case, the court adopts the Report (ECF No. 64) and incorporates it herein. Accordingly, Defendant’s motion for summary judgment (ECF No. 35) is **GRANTED** and Plaintiff’s motion for summary judgment (ECF No. 40) is **DENIED**.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

January 2, 2014
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.