

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

Amber Gavin,)
)
Petitioner,)
)
v.)
)
Smith Debnam Narron Drake)
Saintsing & Myers LLP, Jerry T. Myers,)
Elizabeth Blamer, Melissa A. Tulis,)
Discover, Discover Bank,)
)
Defendants.)
_____)

Civil Action No. 7:22-cv-3010-BHH

ORDER

This matter is before the Court upon Plaintiff Amber Gavin’s (“Plaintiff”) motion to proceed *in forma pauperis* in this action In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary determinations.

On October 21, 2022, Magistrate Judge Kevin F. McDonald issued a report and recommendation (“Report”), outlining the matter and finding that Plaintiff is not qualified to proceed *in forma pauperis* in this action. Accordingly, in his Report the Magistrate Judge recommends that the Court deny Plaintiff’s motion. Attached to the Magistrate Judge’s Report was a notice advising Plaintiff of the right to file written objections to the Report within fourteen days of receiving a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to

which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Here, because no objections to the Report have been filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge's analysis. Accordingly, the Court adopts the Magistrate Judge's Report (ECF No. 14) and denies Plaintiff's motions to proceed *in forma pauperis* (ECF Nos. 3 and 11). Plaintiff shall have 21 days to pay the full filing fee of \$402.00 or this case will be dismissed.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

December 7, 2022
Charleston, South Carolina