

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

Jerry Dalton,) Civil Action No.: 8:11-2041-MGL
)
Plaintiff,)
)
vs.) **ORDER AND OPINION**
)
World Acceptance Corporation,)
)
Defendant.)
)

Plaintiff Jerry Dalton (“Plaintiff”) filed this action against World Acceptance Corporation (“Defendant”) alleging claims against his former employer for age and religious discrimination in violation of the Age Discrimination in Employment Act (“ADEA”) and Title VII of the Civil Rights Act of 1964, as amended.

On March 13, 2012, Defendant filed a Motion for summary judgment pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. (ECF No. 27.) Plaintiff filed a response in opposition on April 23, 2012 (ECF No. 36) and Defendant filed a reply on May 1, 2012. (ECF No. 42). 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 Kevin F. McDonald for consideration. The Magistrate Judge has prepared a thorough Report and Recommendation which recommends that Defendant’s Motion for summary judgment 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 for summary judgment (ECF No. 27) be granted as the Plaintiff has failed 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 expired on November 19, 2012.

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 for Summary Judgment (ECF No. 27) is GRANTED.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

December 4, 2012
Spartanburg, South Carolina