

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

Ashley E. Creamer,	)	
	)	
Plaintiff,	)	C/A No. 8:12-cv-00501-GRA
	)	
v.	)	<b>ORDER</b>
	)	(Written Opinion)
Town of Williamston,	)	
	)	
Defendant.	)	
	)	

This matter comes before the Court for a review of the magistrate’s Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(A) and Local Civil Rule 73.02(B)(2)(g) DSC, filed on March 20, 2011. See ECF No. 14. Plaintiff brought this action alleging breach of contract, pregnancy discrimination, retaliation under the Pregnancy Discrimination Act and the Family and Medical Leave Act (“FMLA”), and a violation of the FMLA. See ECF No. 1. Magistrate Judge Jacquelyn D. Austin recommends that Defendant’s First Partial Motion to Dismiss, ECF No. 5, be found as moot.

The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or

recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th. Cir. 1983). There were no objections or responses filed by either party.

After reviewing the magistrate's Report and Recommendation and relevant case law, this Court finds that the Report and Recommendation applies sound legal principles to the facts of this case. Therefore, this Court adopts it in its entirety.

**IT THEREFORE ORDERED THAT** Defendant's First Partial Motion to Dismiss, ECF No. 5, is MOOT and will be DISMISSED.

**IT IS SO ORDERED.**



G. Ross Anderson, Jr.  
Senior United States District Judge

July 17, 2012  
Anderson, South Carolina

**NOTICE OF RIGHT TO APPEAL**

Petitioner 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. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, will waive the right to appeal.