

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

Harleysville Preferred Insurance Company,) Civil Action No. 8:17-428-BHH
Plaintiff,)
vs.) **ORDER AND OPINION**
Charles McGuffin, Gloria McGuffin, and)
Chris McGuffin,)
Defendant.)

This matter is before the Court for review of the Report and Recommendation of United States Magistrate Kevin F. McDonald, made in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02 for the District of South Carolina. On October 4, 2017, the Magistrate Judge issued a Report and Recommendation recommending that Plaintiff's motion for summary judgment be granted. (ECF No. 44.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. See *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made.

Defendants filed no objections and the time for doing so expired on October 23, 2017. In the absence of objections to the Magistrate Judge's Report and Recommendation, this Court is not required to provide an explanation for adopting the

recommendation. 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 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 and advisory committee’s note).

Here, because no objections have been filed, the Court has reviewed the Magistrate Judge’s findings and recommendations for clear error. Finding none, the Court agrees with the Magistrate Judge that Plaintiff has no defense or indemnification obligations to Defendant Chris McGuffin under its homeowner’s policy issued to Charles and Gloria McGuffin.

Accordingly, the Report and Recommendation is adopted and incorporated herein by reference, and Plaintiff’s motion for summary judgment (ECF No. 37) is GRANTED. This matter is remanded to the Magistrate Judge for further pretrial proceedings pertaining to the two remaining defendants, Charles McGuffin and Gloria McGuffin.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

October 30, 2017
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.