

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

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|----------------------|---|-------------------------------------|
| John A. Bryant, Jr., |) | Civil Action No.: 0:16-cv-03927-RBH |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| Taylor B. Stone, |) | |
| |) | |
| Defendant. |) | |
| |) | |

This matter is before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Paige J. Gossett, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). *See* R & R [ECF No. 76]. The Magistrate Judge recommends that the Court grant Plaintiff’s motion to transfer venue, transfer this case to the Eastern District of Virginia, and deny Defendant’s motion to dismiss without prejudice to refile. R & R at pp. 1, 6.

The Magistrate Judge 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. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Neither party has filed objections to the R & R, and the time for doing so has expired.¹ In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the

¹ Any objections by Defendant (who is represented by counsel and was served electronically) were due by December 14, 2017, and any objections by Plaintiff (who is pro se and was served by mail) were due by December 18, 2017. *See* ECF Nos. 76 & 77.

Magistrate Judge’s recommendations. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct 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’” (quoting Fed. R. Civ. P. 72 advisory committee’s note)).

Having thoroughly reviewed the record, the Court finds no clear error and therefore adopts and incorporates by reference the Magistrate Judge’s R & R [ECF No. 76]. Accordingly, the Court **GRANTS** Plaintiff’s motion to transfer venue [ECF No. 69] and **TRANSFERS** this case to the United States District Court for the Eastern District of Virginia. The Court **DENIES** Defendant’s motion to dismiss [ECF No. 51] *without prejudice to refile*.

IT IS SO ORDERED.

Florence, South Carolina
January 8, 2018

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge