

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

FILED
 SEP 27 2002 *JMB*
 LARRY W. PROPPES, CLERK
 U. S. DISTRICT COURT

EQUAL EMPLOYMENT)	C.A. No. 6:01-3871-25
OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
L'I'L CRICKET STORES, INC.,)	
)	
Defendant.)	
)	
)	

ENTERED
 SEP 27 2002

In this employment discrimination case, the plaintiff alleges that the defendant unlawfully terminated Mary M. Booker ("Booker") from its employ, because her religious beliefs prevented her from performing work on Sundays. In particular, the plaintiff alleges, in part, that the defendant refused to accommodate Booker's religious beliefs in violation of Title VII of the Civil Rights Act of 1964. The defendant has filed a motion for summary judgment. (Doc. # 13).¹

This matter is now before the undersigned for review of the Report and Recommendation ("the Report") filed by United States Magistrate Judge

¹Also presently pending before the Court is the plaintiff's motion to exclude affidavits submitted by the defendant in support of its motion for summary judgment. This motion is now **DENIED**.(Doc. # 24). The Court will give the affidavits at issue the consideration it deems appropriate.

William M. Catoe, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge Catoe recommends that the defendants' motion for summary judgment be denied. Specifically, the Magistrate Judge concluded that:

Clearly, there is evidence that Booker requested a religious accommodation in April and Li'l Cricket did not respond to her request. Furthermore, there is evidence that she was subsequently terminated in May for failing to work on Sundays...there is evidence of an improper motive on Li'l Cricket's part and summary judgment is inappropriate on this claim.

The defendant has filed objections to the Report.


In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted). In light of this standard, the Court has reviewed, *de novo*, the Report and the objections thereto. The Court accepts the Report in its entirety.

THEREFORE, IT IS HEREBY ORDERED that the Report be ACCEPTED, defendant's objections be OVERRULED, and the defendant's motion for summary judgment be DENIED. (Doc. # 13).

IT IS SO ORDERED.



TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

September 25, 2002
Florence, South Carolina