

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

DEVON MICHAEL SAPPLETON,

Petitioner,

v.

Civil Action No: 1:11-00552

KAREN HOGSTEN, Warden, et al.

Respondents.

MEMORANDUM OPINION AND ORDER

By Standing Order, this matter was referred to United States Magistrate Judge R. Clarke VanDervort for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge VanDervort submitted to the court his Proposed Findings and Recommendation on May 16, 2014, in which he recommended that the district court construe petitioner's petition for writ of habeas corpus under 28 U.S.C. § 2241 as a complaint filed pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), dismiss petitioner's complaint, and remove this matter from the court's docket. Doc. No. 5.

In accordance with the provisions of 28 U.S.C. § 636(b), petitioner was allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. The failure to file such

objections constitutes a waiver of the right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Petitioner failed to file any objections to the Magistrate Judge's Findings and Recommendation within the seventeen-day period. Having reviewed the Findings and Recommendation filed by Magistrate Judge VanDervort, the court adopts the findings and recommendation contained therein.

The court hereby CONSTRUES petitioner's petition for writ of habeas corpus under 28 U.S.C. § 2241 (Doc. No. 1) as a complaint filed pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), DISMISSES petitioner's complaint (Doc. No. 1), and DIRECTS the Clerk to remove this case from the court's docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to petitioner, pro se.

It is SO ORDERED this 6th day of June, 2014.

ENTER:



David A. Faber

Senior United States District Judge