

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

JEAN ELIZABETH KAUFMAN,

Plaintiff,

v.

CIVIL CASE NO. 1:12-0237

UNITED STATES OF AMERICA,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action 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 his Proposed Findings and Recommendation ("PF&R") regarding the United States' motion to dismiss (Doc. No. 67) and plaintiff's motion for leave to amend (Doc. Nos. 93 and 96) to the court on May 14, 2014. Judge VanDervort recommended that the district court deny the United States' motion to dismiss (Doc. No. 67) and deny plaintiff's motion for leave to amend (Doc. Nos. 93 and 96).

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's PF&R. The failure of any party to file such

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

The parties failed to file any objections to the Magistrate Judge's PF&R within the seventeen-day period. Having reviewed the PF&R filed by Magistrate Judge VanDervort, the court adopts the findings and recommendation contained therein.

Accordingly, the court adopts the factual and legal analysis contained within the PF&R, **DENIES** the United States' motion to dismiss (Doc. No. 67), and **DENIES** plaintiff's motion for leave to amend (Doc. Nos. 93 and 96).

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff, pro se, and counsel of record.

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

**ENTER:**



\_\_\_\_\_  
David A. Faber  
Senior United States District Judge