

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

GINA FOX,

Plaintiff,

v.

CIVIL ACTION NO. 1:12-0242

CHARLES F. SAMUELS, JR.,  
Director of  
Federal Bureau of Prisons,

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.A. § 636(b)(1)(B). Magistrate Judge VanDervort submitted to the court his Findings and Recommendation on July 13, 2012, in which he recommended that the district court 1) grant plaintiff's motion to withdraw complaint; 2) deny plaintiff's motion for reimbursement of the filing fee; 3) dismiss plaintiff's complaint; and 4) remove this case from the court's active docket.

In accordance with the provisions of 28 U.S.C.A. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. 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). Neither party filed objections within the requisite time.

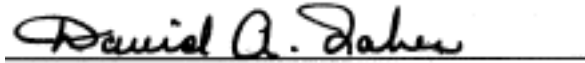
Having reviewed the Findings and Recommendation filed by Magistrate Judge VanDervort, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby

- 1) **GRANTS** plaintiff's motion to withdraw her complaint;
- 2) **DENIES** plaintiff's motion for reimbursement of the filing fee;
- 3) **DISMISSES** plaintiff's complaint; and
- 4) **DIRECTS** the Clerk to remove this case from the court's active docket.

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 3rd day of August, 2012.

ENTER:



David A. Faber

Senior United States District Judge