

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BLUEFIELD DIVISION

KENNETH A. WHITE,

Plaintiff,

v.

CIVIL ACTION NO. 1:13-cv-08738

ALLIANCE ONE RECEIVABLE, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On March 26, 2013, the Plaintiff filed his Complaint in this matter in the Circuit Court of McDowell County, West Virginia. The matter was subsequently removed to the United States District Court for the Southern District of West Virginia on April 23, 2013. By *Standing Order* (Document 2) entered on April 23, 2013, this action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On January 6, 2014, the Magistrate Judge submitted his *Proposed Findings and Recommendation* (Document 102) wherein it is recommended that this Court: 1) deny the Plaintiff's motion for voluntary dismissal (Document 97); 2) grant Defendant Wells Fargo Bank, N.A. d/b/a Wells Fargo Home Mortgage's motion to dismiss (Document 6); 3) grant Defendant Lorain National Bank's motion to dismiss (Document 18); 4) grant Defendant Bank of America's motion to dismiss (Document 23); 5) grant Defendant DFS Services' motion to dismiss

(Document 26); 6) grant Defendant Huntington National Bank's motion to dismiss (Document 28); 7) grant Defendant East Ohio Gas Company d/b/a Dominion East Ohio's motion to dismiss (Document 57); 8) deny the Plaintiff's *Motion to Strike Defendant Wells Fargo Bank N. A. d/b/a Wells Fargo Home Mortgage, Inc., Memorandum in Support of Motion to Dismiss* (Document 60); and 9) deny the *Plaintiff's Motion to Supplement U.S.C. Rule 15 and to Dismiss Defendant's Motion Stating "For Lack of Subject Matter and Personal Jurisdiction"* (Document 90).

No party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*, which said objections were due by January 24, 2014. 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 findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that: 1) the Plaintiff's motion for voluntary dismissal (Document 97) be **DENIED**; 2) Defendant Wells Fargo Bank, N.A. d/b/a Wells Fargo Home Mortgage's motion to dismiss (Document 6) be **GRANTED**; 3) Defendant Lorain National Bank's motion to dismiss (Document 18) be **GRANTED**; 4) Defendant Bank of America's motion to dismiss (Document 23) be **GRANTED**; 5) Defendant DFS Services' motion to dismiss (Document 26) be **GRANTED**; 6) Defendant Huntington National Bank's motion to dismiss

(Document 28) be **GRANTED**; 7) Defendant East Ohio Gas Company d/b/a Dominion East Ohio's motion to dismiss (Document 57) be **GRANTED**; 8) the Plaintiff's *Motion to Strike Defendant Wells Fargo Bank N. A. d/b/a Wells Fargo Home Mortgage, Inc., Memorandum in Support of Motion to Dismiss* (Document 60) be **DENIED**; and 9) the *Plaintiff's Motion to Supplement U.S.C. Rule 15 and to Dismiss Defendant's Motion Stating "For Lack of Subject Matter and Personal Jurisdiction"* (Document 90) be **DENIED**.

Lastly, the Court **ORDERS** that this action be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: January 28, 2014

A handwritten signature in blue ink that reads "Irene C. Berger". The signature is written in a cursive style and is positioned above a horizontal line.

IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA