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

CHARLESTON DIVISION

ERNEST D. SHRADER,

Plaintiff,

CIVIL ACTION NO. 2:11-cv-00784

CARL BERLIN, et al.,

v.

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Mary E. Stanley, 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(b)(1)(B). The Magistrate Judge has submitted findings

of fact and has recommended that the court DISMISS the complaint under 28 U.S.C.

§ 1915A(b)(1) and **DENY** the plaintiff's Application to Proceed without Prepayment of Fees and

Costs. The plaintiff has not filed objections to the Magistrate Judge's findings and

recommendation.

A district court "shall make a de novo determination of those portions of the report or

specified proposed findings or recommendations to which objection is made." 28 U.S.C.

§ 636(b)(1)(C). This court is not, however, 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).

As the plaintiff has not filed objections in this case, the court adopts and incorporates herein the findings and recommendation of the Magistrate Judge and orders judgment consistent therewith. The court **DISMISSES** the complaint under 28 U.S.C. § 1915A(b)(1) and **DENIES** the plaintiff's Application to Proceed without Prepayment of Fees and Costs.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 16, 2012

Joseph R. Goodwin, Chief Judge