

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

**CHARLESTON DIVISION**

ELI WAYNE FREELAND,

Plaintiff,

v.

CIVIL ACTION NO. 2:12-cv-08712

DAVID BALLARD, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

Pending before the Court are Plaintiff's motion for a preliminary injunction [ECF 49], motion for summary judgment [ECF 53], and motion for a temporary restraining order [ECF 91]. By Standing Order entered on September 2, 2010, and filed in this case on December 10, 2012, this action was referred to former United States Magistrate Mary E. Stanley, and later referred to United States Magistrate Judge Dwane L. Tinsley, for submission of proposed findings and a recommendation for disposition (PF&R). Magistrate Judge Tinsley filed his PF&R on August 5, 2014, recommending that this Court deny all three of Plaintiff's motions.

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 the Plaintiff'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). In addition, this Court need not


conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R in this case were due on August 25, 2014. To date, no objections have been filed.

Accordingly the Court **ADOPTS** the PF&R and **DENIES** Plaintiff’s motions. [ECF 49, 53, & 91].

**IT IS SO ORDERED.**

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

ENTER: August 26, 2014

  
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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE