

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

CHARLESTON DIVISION

JONATHAN STEVEN DEUTSCH,

Petitioner,

v.

CIVIL ACTION NO. 2:13-cv-16757
(Criminal No. 2:10-cr-00160)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

On July 2, 2013, Petitioner Jonathan Steven Deutsch filed a Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (§ 2255 motion) [ECF 140]. By Standing Order entered April 8, 2013 and filed in this case on July 17, 2013, this action was referred to Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation for disposition (PF&R). Petitioner subsequently filed a letter-form motion to withdraw his § 2255 motion on July 26, 2013, explaining that his poor health precludes him from pursuing this litigation at this time. Magistrate Judge VanDervort filed his PF&R on August 26, 2013, recommending this Court grant Petitioner's motion to withdraw, dismiss his § 2255 motion, and remove this matter from the Court's docket.

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 Petitioner'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 August 26, 2013 PF&R in this case were due on September 12, 2013. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 144], **GRANTS** Petitioner's letter-form motion to withdraw [ECF 143], **DISMISSES WITHOUT PREJUDICE** Petitioner's § 2255 motion, and **DIRECTS** the Clerk to remove this case from the Court's docket.

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: October 22, 2013



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE