

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

CHARLESTON DIVISION

CEDEAL HARPER,

Plaintiff,

v.

CIVIL ACTION NO. 2:13-cv-19796

MICHAEL BLAGG, et al.

Defendants.

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiffs' *pro se* Complaint (ECF 2, 3) filed under 42 U.S.C. § 1983. This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation ("PF&R"). On September 12, 2013, Plaintiff filed a motion for default judgment [ECF 20, 21], and Defendants filed a response in opposition (ECF 22). Magistrate Judge Tinsley filed his PF&R on September 25, 2013, recommending that the Court deny Plaintiff's motion for default judgment [ECF 26].

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 PF&R were due on October 15, 2013. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 26] and **DENIES** Plaintiff's motion for default judgment [ECF 20, 21.]. Pursuant to the Court's March 18, 2014, Order, this case remains referred to Magistrate Judge Tinsley for further proceedings.

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: May 15, 2014



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE