

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

CHARLESTON DIVISION

ROY F. HILLBERRY, II,

Plaintiff,

v.

CIVIL ACTION NO. 2:13-cv-20699

DAVID BALLARD,

Defendant.

MEMORANDUM OPINION AND ORDER

Plaintiff Roy Hillberry, II, pro se, an inmate at the Mount Olive Correctional Complex (“prison”) in Mount Olive, West Virginia, filed a Petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 [ECF 1]. In his Petition, Plaintiff raises several challenges to the constitutionality of the prison’s administrative segregation unit.

By Standing Order entered on April 8, 2013, and filed in this case on July 25, 2014, this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of proposed findings and a recommendation (PF&R) pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Eifert filed a PF&R on April 24, 2014 [ECF 5]. In that filing, the magistrate judge recommended that this Court dismiss Petitioner’s Petition without prejudice.

The 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). The 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). In addition, this Court need not conduct a de novo review when a petitioner “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 March 27, 2014. To date no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 5], **DISMISSES** the Petition **WITHOUT PREJUDICE** [ECF 1], 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: September 3, 2014



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE