

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

CHARLESTON DIVISION

ANGELA MARYELLA YEAGER,

Petitioner,

v.

CIVIL ACTION NO. 2:17-cv-01167

STATE OF TEXAS,

Respondent.

MEMORANDUM OPINION AND ORDER

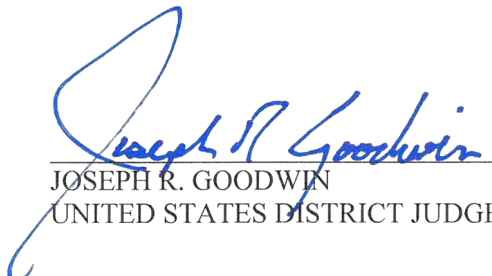
This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge submitted her Proposed Findings of Fact and Recommendations [ECF No. 6] (“PF&R”) and recommended that the court **DENY** the petitioner’s Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody [ECF No. 2]. Neither party filed objections to the Magistrate Judge’s PF&R.

The failure to object to a magistrate judge’s report may be deemed a waiver on appeal of the substance of the report and the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983); *Campbell v. United States D. Ct. N.D. Cal.*, 501 F.2d 196, 206 (9th Cir. 1974). The court has reviewed the Magistrate

Judge's PF&R and finds no clear error on the face of the record. Accordingly, the court **ACCEPTS** and **INCORPORATES** herein the PF&R [ECF No. 6] and **ORDERS** judgment consistent with the findings and recommendations. The court **ORDERS** that the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody [ECF No. 2] is **DENIED**, the Application to Proceed Without Prepayment of Fees and Costs [ECF No. 1] is **DENIED as moot**, and this action is **DISMISSED** from the docket of this court.

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

ENTER: March 27, 2017



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE