

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

CHARLESTON DIVISION

JOHNNY RAY BOYKIN,

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00560

ZACHARY BELCHER, et al.,

Defendants.

ORDER

Pending before the Court is Plaintiff's Complaint. (ECF No. 2.) By standing order entered in this case on August 26, 2020, (ECF No. 3), this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and recommendations for disposition ("PF&R"). On June 5, 2023, Magistrate Judge Tinsley filed a PF&R recommending that this Court dismiss Plaintiff's complaint, without prejudice. (ECF No. 22.) No objections were filed to the PF&R.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusion of the magistrate judge as to those portions of the PF&R 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 right to appeal the 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, the 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 June 22, 2023. (ECF No. 22.) To date, no party has submitted any objections in response to the PF&R, thus constituting a waiver of *de novo* review and the right to appeal the Court's order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 22), and **DISMISSES** without prejudice Plaintiff's Complaint, (ECF No. 2). The Court **DIRECTS** the Clerk to remove this case from the Court's active 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: June 26, 2023



THOMAS E. JOHNSTON, CHIEF JUDGE