

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

BECKLEY DIVISION

BOBBY EUGENE RODDY,

Plaintiff,

v.

CIVIL ACTION NO. 5:03-cv-00612

MR. CHILDERS, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

The Court has reviewed the Plaintiff's Motions to Reopen (Documents 205, 214, 215 & 217) filed on March 29, 2010, May 16, 2011, December 13, 2011, and November 28, 2012. The Court has also reviewed the Plaintiff's *Petition for Immediate Relief Under Congress Spending Clause Power Unpholding (RLUIPA)* (Document 210) filed on November 22, 2010.


By orders (Documents 220 & 221) entered on October 7, 2013, the aforesaid motions were referred to the Honorable R. Clarke VanDervort, 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. On September 4, 2014, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 229) wherein it is recommended that this Court deny the Plaintiff's Motions to Reopen and deny the Plaintiff's *Petition for Immediate Relief Under Congress Spending Clause Power Unpholding (RLUIPA)*. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by September 22, 2014.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. 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).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff's Motions to Reopen (Documents 205, 214, 215 & 217) be **DENIED** and that the Plaintiff's *Petition for Immediate Relief Under Congress Spending Clause Power Upholding (RLUIPA)* (Document 210) be **DENIED**.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: September 24, 2014


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA