

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

BECKLEY DIVISION

CURTIS E. CRAWFORD,

Petitioner,

v.

CIVIL ACTION NO. 5:06-cv-00254

CHARLES T. FELTS,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Petitioner's Application to Correct Sentence [Docket 1]. By Standing Order entered on July 21, 2004, and filed in this case on April 5, 2006, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation (PF&R). On April 19, 2006, the case was reassigned to the undersigned District Judge. Magistrate Judge VanDervort filed his PF&R [Docket 14] on June 16, 2009, recommending that this Court **DISMISS** the application as moot and remove matter from the Court's docket.

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);

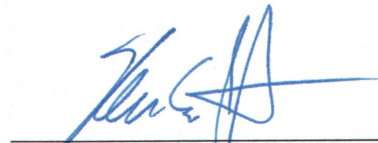
United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in the instant case were due on July 6, 2009. To date, no objections have been filed.

Accordingly the Court **ADOPTS** the recommendation contained in the PF&R [Docket 14], **DISMISSES AS MOOT** Petitioner’s Application to Correct Sentence [Docket 1], and **DIRECTS** the Clerk to remove the matter from the Court’s docket. A separate Judgment Order will enter this day implementing the rulings contained herein.

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: July 8, 2009



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE