

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

BECKLEY DIVISION

JUSTIN L. HALL,

Petitioner,

v.

CIVIL ACTION NO. 5:06-cv-00437

CHARLES FELTS,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Petitioner's Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus by a Person In State or Federal Custody [Docket 1]. By Standing Order entered on July 21, 2004, and filed in this case on June 5, 2006, this matter was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation (PF&R). On June 3, 2009, Magistrate Judge VanDervort filed his PF&R [Docket 5], recommending that the Court dismissed Petitioner's application as moot.

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); *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

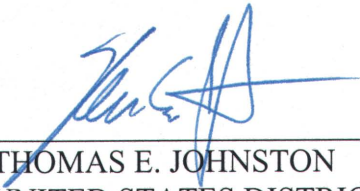
a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R were due in this case by June 19, 2009. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [Docket 5] in its entirety and **DISMISSES** Petitioner's Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus by a Person In State or Federal Custody [Docket 1]. 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