

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

BECKLEY DIVISION

JUAN HIDALGO,

Plaintiff,

v.

CIVIL ACTION NO. 5:11-cv-00153

FEDERAL BUREAU OF PRISONS, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

The Court has reviewed the Plaintiff's *Complaint* (Document 1) filed on March 9, 2011, and his *Application to Proceed in District Court Without Prepaying Fees or Costs* (Document 4) filed on March 21, 2011.

By *Standing Order* (Document 2) entered on March 9, 2011, this action was 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 November 21, 2013, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 6) wherein it is recommended that this Court deny the Plaintiff's *Application to Proceed in District Court Without Prepaying Fees or Costs*, dismiss the Plaintiff's *Complaint*, and remove this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by December 9, 2013¹.


¹The docket reflects that the *Proposed Findings and Recommendation* mailed to the Plaintiff was

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 a party'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 *Application to Proceed in District Court Without Prepaying Fees or Costs* (Document 4) be **DENIED**, the Plaintiff's *Complaint* (Document 1) be **DISMISSED**, and that this matter be **REMOVED** from the Court's docket.

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: January 6, 2014


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

returned as undeliverable on December 2, 2013, and re-mailed to a different address on that date; and subsequently returned as undeliverable on December 12, 2013, and re-mailed to a third address on that date. As of January 5, 2014, no objections had been filed.