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

BECKLEY DIVISION

REGINALD JEROME CASSADY,

Petitioner.

CIVIL ACTION NO. 5:12-cv-00078

JOEL ZIEGLER,

v.

Respondent.

MEMORANDUM OPINION AND ORDER

On January 18, 2012, the Petitioner filed an *Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus By a Person in State or Federal Custody* (Document 1). By *Standing Order* (Document 4) entered on January 18, 2012, 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 October 21, 2014, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 8) wherein it is recommended that this Court dismiss the Petitioner's *Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus By a Person in State or Federal Custody* and remove this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by November 7, 2014. Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*.¹

¹The Bureau of Prisons' Inmate Locator indicates that the Petitioner died on August 5, 2014.

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 Petitioner's Application Under 28 U.S.C. §2241 for Writ

of Habeas Corpus By a Person in State or Federal Custody (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:

November 12, 2014

IRENE C. BERGER

UNITED STATES DISTRICT JUDGE

SOUTHERN DISTRICT OF WEST VIRGINIA

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