

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

BECKLEY DIVISION

RAYMOND STANLEY HILLIARD,

Petitioner,

v.

CIVIL ACTION NO. 5:13-cv-14980
(consolidated with 5:12-cv-01077)

JOEL ZIEGLER,

Respondent.

MEMORANDUM OPINION AND ORDER

The Petitioner filed two Applications for Writ of *Habeas Corpus* by a Person in Federal Custody under 28 U.S.C. § 2241 (Document 1 in Civil Action 5:12-cv-01077; Document 1 in Civil Action 5:13-cv-14980). By Standing Order (Document 2 in Civil Action 5:12-cv-01077; Document 3 in Civil Action 5:13-cv-14980), these actions 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.

By Order of August 13, 2014 (Document 14 in Civil Action 5:12-cv-01077; Document 7 in Civil Action 5:13-cv-14980), the Magistrate Judge consolidated the two civil actions and designated Civil Action 5:13-cv-14980 as the lead case. Additionally, on that date, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 8 in Civil Action 5:13-cv-14980) wherein it is recommended that this Court dismiss the Petitioner's

Applications for Writ of *Habeas Corpus* by a Person in Federal Custody under 28 U.S.C. § 2241 and remove this matter from the Court's docket.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*, which were due by September 2, 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 Applications for Writ of *Habeas Corpus* by a Person in Federal Custody under 28 U.S.C. § 2241 (Document 1 in Civil Action 5:12-cv-01077; Document 1 in Civil Action 5:13-cv-14980) 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: September 4, 2014



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