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

BECKLEY DIVISION

ROY STEVE DAVIS,

Petitioner,

v. CIVIL ACTION NO. 5:13-cv-24876

JOEL ZIEGLER,

Respondent.

MEMORANDUM OPINION AND ORDER

The Court has reviewed the pleadings in this matter including the Petitioner's October 9, 2013 *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 October 16, 2013, this action was referred to the Honorable Dwane L. Tinsley, 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 June 12, 2014, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 14) wherein it is recommended that this Court grant the Respondent's *Motion to Dismiss* (Document 13), deny as moot the Petitioner's § 2241 *Application* (Document 1), and deny the Petitioner's remaining pending motions (Documents 5, 9 & 12). Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by June 30, 2014.

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 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** as follows:

1) The Respondent's *Motion to Dismiss* (Document 13) is **GRANTED**;

2) The Petitioner's § 2241 *Application* (Document 1) is **DENIED AS MOOT**;

3) The Petitioner's *Motion for Expedited Service* (Document 5) is **DENIED**;

4) The Petitioner's *Motion for Consideration* (Document 9) is **DENIED**; and

5) The Petitioner's *Motion for Reconsideration* (Document 12) is **DENIED**.

The Court further **ORDERS** 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 Tinsley, counsel of record, and any unrepresented party.

ENTER: July 1, 2014

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