

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

BECKLEY DIVISION

ELISHA RIGGLEMAN,

Plaintiff,

v. CIVIL

ACTION NO. 5:14-cv-03874

U.S. ATTY R. GOOTH GOODWIN, II,

Defendant.

MEMORANDUM OPINION AND ORDER

On January 22, 2014, the Plaintiff filed a pro-se Complaint (Document 1) and on January 23, 2014, filed an Application to Proceed Without Prepayment of Fees and Costs (Document 6). Subsequently, on February 18, 2014, the Plaintiff filed a pro-se, letter-form Motion to Dismiss (Document 11).

By *Standing Order* (Document 3) entered on January 23, 2014, 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 July 3, 2014, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 13) wherein it is recommended that this Court grant the Plaintiff's Motion to Dismiss (Document 11), deny the Plaintiff's Application to Proceed Without Prepayment of Fees and Costs (Document 6), dismiss the Plaintiff's Complaint (Document 1)

without prejudice, and remove this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by July 21, 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 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, after careful consideration, 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 Motion to Dismiss (Document 11) be **GRANTED**, the Plaintiff's Application to Proceed Without Prepayment of Fees and Costs (Document 6) be **DENIED**, the Plaintiff's Complaint (Document 1) be **DISMISSED without prejudice**, and 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:



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