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

KABIL ANTON DJENASEVIC,

Plaintiff,

v. CIVIL ACTION NO. 5:14-cv-14596

UNITED STATES DEPARTMENT OF JUSTICE, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On April 14, 2014, the Plaintiff, acting *pro se*, filed his Complaint (titled *Notice of Intention to File Claim*) (Document 1). The Plaintiff filed an Amended Complaint (titled *Complaint*) (Document 9) on May 12, 2014. On July 15, 2014, the *United States Motion to Substitute* (Document 31) was filed. On July 18, 2014, the *United States Motion to Dismiss* (Document 35) was filed.

By *Standing Order* (Document 4) entered on April 14, 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 October 16, 2014, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 52) wherein it is recommended that this Court grant the *United States Motion to Substitute* (Document 31), grant the *United States Motion to Dismiss* (Document 35), dismiss the Plaintiff's Complaints (Documents 1 & 9), and remove this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by November 3, 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, 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 *United States Motion to Substitute* (Document 31) be **GRANTED**, the *United States Motion to Dismiss* (Document 35) be **GRANTED**, the Plaintiff's Complaints (Documents 1 & 9) be **DISMISSED**, and that this matter be **REMOVED** from the Court's docket.

Lastly, the Court **ORDERS** that the Plaintiff's May 12, 2014, *Affidavit in Support of In Forma Pauperis Status* (Document 11) and the Plaintiff's May 13, 2014, *Application to Proceed Without Prepayment of Fees and Costs* (Document 13) be **DENIED AS MOOT**.

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 10, 2014

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