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

BECKLEY DIVISION

JAMES MINK,

Plaintiff,

v.

CIVIL ACTION NO. 5:17-cy-02212

WAL-MART STORES EAST, LP, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On March 3, 2017, the Plaintiff, proceeding *pro se*, filed a Complaint in the Circuit Court of Wyoming County, West Virginia. The matter was removed to the United States District Court on April 4, 2017. Pending in the matter are *Wal-Mart Stores East, LP's Motion to Dismiss* (Document 4) and *MacCorkle Lavender PLLC's Motion to Dismiss* (Document 6).

By Standing Order (Document 2) entered on April 4, 2017, this action was referred to the Honorable Omar J. Aboulhosn, 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 May 17, 2017, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 16) wherein it is recommended that this Court grant the Defendants' respective motions to dismiss with prejudice, and remove this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by June 5, 2017.

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 Wal-Mart Stores East, LP's Motion to Dismiss (Document

4) be GRANTED, that MacCorkle Lavender PLLC's Motion to Dismiss (Document 6) be

GRANTED, and that this matter be DISMISSED with prejudice and REMOVED from the

Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge

Aboulhosn, counsel of record, and any unrepresented party.

ENTER:

June 8, 2017

RENE C. BERGER

UNITED STATES DISTRICT JUDGE

SOUTHERN DISTRICT OF WEST VIRGINIA

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