

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
(at Frankfort)

DOUGLAS C. JOHNSON,)	
)	
Petitioner,)	Civil Action No. 3: 10-07-DCR
)	
V.)	
)	
SHELBY COUNTY DETENTION)	MEMORANDUM OPINION
CENTER, et al.,)	AND ORDER
)	
Respondents.)	

*** **

This matter is before the Court for consideration of Petitioner Douglas C. Johnson’s *pro se* petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. [Record No. 1] Consistent with local practice, this matter was referred to United States Magistrate Judge Edward B. Atkins for consideration pursuant to 28 U.S.C. § 636(b)(1)(B). After a preliminary review of the petition, the Magistrate Judge filed his Report and Recommendation on August 19, 2010, recommending that the matter be dismissed. [Record No. 10] More specifically, the Magistrate Judge found that the petition should be dismissed, without prejudice, because the Petitioner failed to pay the \$5.00 filing fee and because he has failed to provide the Clerk of the Court with his current address. Neither party has filed objections to the Magistrate Judge’s Report and Recommendation.

Although this Court must make a *de novo* determination of those portions of the Magistrate Judge’s recommendations to which objection is made, *see* 28 U.S.C. § 636(b)(1)(c),

“[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Moreover, a party who fails to file objections to a Magistrate Judge’s proposed findings of fact and recommendation waives the right to appeal. *See Wright v. Holbrook*, 794 F.2d 1152, 1154-55 (6th Cir. 1986). Nevertheless, having examined the record and having made a *de novo* determination, the Court is in agreement with the Magistrate Judge’s recommended disposition. Accordingly, it is hereby

ORDERED as follows:

1. The Magistrate Judge’s Report and Recommendation [Record No. 10] is **ADOPTED** and **INCORPORATED** by reference.
2. Johnson’s petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 [Record No. 1] is **DENIED**.
3. This habeas proceeding shall be **DISMISSED**, without prejudice, and **STRICKEN** from the docket.

This 7th day of September, 2008.



Signed By:

Danny C. Reeves DCR

United States District Judge