

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

WALTER Z. SPELLER,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 3:15CV781–HEH
)	
COMMONWEALTH OF VIRGINIA,)	
)	
Respondent.)	

**MEMORANDUM OPINION
(Adopting Report and Recommendation and Dismissing Action)**

Walter Z. Speller, a Virginia inmate proceeding *pro se*, filed this petition for habeas corpus under 28 U.S.C. § 2254 (“§ 2254 Petition,” ECF No. 1). On May 20, 2016, the Magistrate Judge issued a Report and Recommendation. The Magistrate Judge recommended that the Court dismiss the § 2254 Petition as an unauthorized, successive 28 U.S.C. § 2254 Petition. The Magistrate Judge advised Speller that he could file objections within fourteen (14) days after the entry of the Report and Recommendation. Speller has not responded.


“The magistrate makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court.” *Estrada v. Witkowski*, 816 F. Supp. 408, 410 (D.S.C. 1993) (citing *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976)). This Court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). “The filing of objections to a magistrate’s report enables the district judge to focus attention on those

issues—factual and legal—that are at the heart of the parties’ dispute.” *Thomas v. Arn*, 474 U.S. 140, 147 (1985). In the absence of a specific written objection, this Court may adopt a magistrate judge’s recommendation without conducting a de novo review. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 316 (4th Cir. 2005).

There being no objections, the Report and Recommendation will be accepted and adopted. The action will be dismissed for lack of jurisdiction. The Court will deny a certificate of appealability.

An appropriate Final Order will accompany this Memorandum Opinion.

Date: July 28, 2016
Richmond, Virginia

 /s/ _____
Henry E. Hudson
United States District Judge