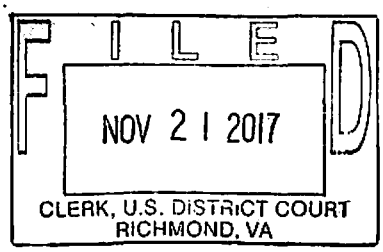
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



BRIAN LESTER WALTON, SR.,)
)
Petitioner,)
)
v.) Civil Action No. 3:17CV320–HEH
)
HAROLD W. CLARKE,)
)
Respondent.)

MEMORANDUM OPINION
(Adopting Report and Recommendation and Dismissing Action)

Brian Lester Walton, Sr., a Virginia inmate proceeding *pro se*, filed this petition for habeas corpus under 28 U.S.C. § 2254 ("§ 2254 Petition," ECF No. 1) challenging his convictions in the Circuit Court of Middlesex County, Virginia for violation of a protective order, third offense. On October 27, 2017, the Magistrate Judge recommended that the § 2254 Petition be dismissed for lack of merit. The Court advised Walton that he could file objections within fourteen (14) days after the entry of the Report and Recommendation. Walton 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 Motion to Dismiss (ECF No. 12) will be granted. Walton's § 2254 Petition (ECF No. 1) will be denied. Walton's claims and the action will be dismissed. A certificate of appealability will be denied.

An appropriate Final Order will accompany this Memorandum Opinion.

/s/
Henry E. Hudson
United States District Judge

Date: Nov. 21, 2017
Richmond, Virginia