

Likewise, Judge Ballou rejected McQuate's arguments for transfer of venue, finding that the factors relevant to discretionary transfer—convenience of the parties and witnesses and the interests of justice—militated against transfer. *Id.* at 4. Moreover, McQuate has previously filed a motion under Rule 12, which was resolved by the court, thereby waiving any subsequent motion to transfer venue. *Id.* As such, Judge Ballou recommended that McQuate's motion to transfer be denied as well.

Pursuant to Rule 72(b) of the Federal Rules of Civil Procedure, all parties were given fourteen days—until July 31, 2017—to file objections to the report and recommendation. Neither McQuate nor any other party chose to do so. It is well-settled that “[a]ny part of [a] magistrate judge’s disposition [on report and recommendation] that has not been properly objected to is reviewed for, at most, clear error.” *Veney v. Astrue*, 539 F. Supp. 2d 841, 844 (W.D. Va. 2008) (citing Fed. R. Civ. P. 72(b) advisory committee’s notes, and *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985)). The court has reviewed Judge Ballou’s report and recommendation, and finds no clear error. Accordingly, the report and recommendation, ECF No. 92, is **ADOPTED in full**, and McQuate’s motion to dismiss plaintiff’s complaint and/or motion to transfer venue, ECF No. 82, is **DENIED**.

It is **SO ORDERED**.

Entered: 08-08-2017

/s/ Michael F. Urbanski

Michael F. Urbanski
Chief United States District Judge