IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG

JASON BROWNING,

Plaintiff,

v.

CIVIL ACTION NO. 1:13-CV-23 (BAILEY)

NICKI SEIFERT, BRANDI MILLER, GREG YAHNKE, EVELYN SEIFERT, MICHAEL TAYLOR, C.J. RYDER, and JAMES RUBENSTEIN,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate Judge James E. Seibert. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Seibert for submission of a proposed report and a recommendation ("R&R"). Magistrate Judge Seibert filed his R&R on December 14, 2016 [Doc. 194]. In that filing, the magistrate judge recommended that this Court deny the plaintiff's Motion to Vacate Settlement Agreement [Doc. 183] and Motion for an Injunction to Enforce the Settlement Agreement [Doc. 184] without prejudice.

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, 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). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); ***Snyder v. Ridenour***, 889 F.2d 1363, 1366 (4th Cir. 1989); ***United States v. Schronce***, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Seibert's R&R were due within fourteen (14) days of receipt, pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). The docket reflects that service was accepted on December 15, 2016 [Doc. 195]. No objections have been filed. Accordingly, this Court will review the report and recommendation for clear error.

Upon careful review of the report and recommendation, it is the opinion of this Court that the magistrate judge's **Report and Recommendation [Doc. 194]** should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's report. As such, this Court hereby **DENIES WITHOUT PREJUDICE** the plaintiff's Motion to Vacate Settlement Agreement **[Doc. 183]** and Motion for an Injunction to Enforce the Settlement Agreement **[Doc. 184]**. As a final matter, this action is hereby **ORDERED STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record and to mail a copy to the *pro se* plaintiff.

DATED: January 17, 2017.

JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE