

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

JULIAN LEE GREEN

Plaintiff,

v.

CIVIL ACTION NO. 1:17CV37
(Judge Keeley)

AMANDA MCGRUE, ET AL.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 82],
GRANTING MOTIONS TO DISMISS [DKT. NOS. 53, 68, 74],
AND DISMISSING CASE WITH PREJUDICE

On March 6, 2017, the pro se plaintiff, Julian Lee Green ("Green"), filed a complaint pursuant to 42 U.S.C. § 1983 (Dkt. No. 1), which this Court referred to United States Magistrate Judge James P. Mazzone for initial screening and a Report and Recommendation ("R&R") in accordance with LR PL P 2 and 28 U.S.C. § 1915(e).¹ Magistrate Judge Mazzone's R&R recommended that the Court dismiss Green's complaint for failure to state a claim upon which relief can be granted under § 1983 (Dkt. No. 82). The R&R also specifically warned Green that failing to object to the recommendation would result in the waiver of his appellate rights. Id. at 22. Green did not file any objections to the R&R.²

¹ Originally, this case was referred to Magistrate Judge Michael J. Aloï, but it was later reassigned to Magistrate Judge James E. Seibert and then to Magistrate Judge Mazzone (Dkt. No. 43).

² The failure to object to the R&R not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issues presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

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Consequently, finding no clear error, the Court **ADOPTS** the R&R in its entirety (Dkt. No. 82), **GRANTS** the motions to dismiss [Dkt. Nos. 53, 68, 74], and **DISMISSES** this case **WITH PREJUDICE**.

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to enter a separate judgment order and to transmit copies of both orders to the pro se plaintiff by certified mail, return receipt requested, to his last known address and to counsel of record by electronic means.

Dated: August 13, 2019

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE