

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

ULYSSES A. BELLAMY,

Plaintiff,

v.

CIVIL ACTION NO. 2:17-CV-115
(BAILEY)

DIANA R. MILL, AWP; JOHN
DOE, Glenville State College;
STEVE FINCHMAN, CPS;
SHANNON SHIFLETT,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation of United States Magistrate Judge James E. Seibert [Doc. 6]. 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 August 29, 2017, wherein he recommends this Court deny the plaintiff's Motion for Leave to Proceed *In Forma Pauperis* [Doc. 2] and order the plaintiff to pay the full \$400.00 filing fee.

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 August 30, 2017 [Doc. 7]. No objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the above, it is the opinion of this Court that the **Report and Recommendation [Doc. 6]** should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's report. Accordingly, this Court **ORDERS** that the plaintiff's Motion for Leave to Proceed *In Forma Pauperis* [Doc. 2] be **DENIED**. As an additional matter, this Court observes that the plaintiff has tendered full payment of the filing fee on September 8, 2017 in accordance with the magistrate judge's report [Doc. 10].

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: October 3, 2017.


JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE