

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

JEFF MEDLEY,

Petitioner,

v.

**CIVIL ACTION NO.: 3:14-CV-69
(GROH)**

R. A. PERDUE,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is the Third Amended Report and Recommendation (“R&R”) of United States Magistrate Judge Robert W. Trumble. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Trumble for submission of a proposed R&R. Magistrate Judge Trumble issued his Third Amended R&R [ECF No. 52] on November 26, 2019. Therein, Magistrate Judge Trumble recommends the Petitioner’s § 2241 petition [ECF No. 1] be denied and dismissed without prejudice.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court must conduct a *de novo* review of the magistrate judge’s findings where 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 to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of a petitioner’s 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).

Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of service. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Third Amended R&R was mailed to the Petitioner by certified mail on November 26, 2019. ECF No. 52. The Petitioner accepted service on December 2, 2019. ECF No. 53. On December 16, 2019, the Court granted the Petitioner an extension of time to file objections, giving the Petitioner until January 24, 2019 to file objections. ECF No. 57. To date, no objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Third Amended R&R [ECF No. 52] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated therein. Therefore, the Petitioner's § 2241 Petition [ECF No. 1] is **DENIED** and **DISMISSED WITHOUT PREJUDICE**. The Petitioner's Motion to Expedite [ECF No. 46] is **TERMINATED** as **MOOT**.

This matter is **ORDERED STRICKEN** from the Court's active docket. The Clerk of Court is **DIRECTED** to mail a copy of this Order to the pro se Petitioner by certified mail, return receipt requested, at his last known address as reflected on the docket sheet.

DATED: January 27, 2020



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE