

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

OMAR MENDOZA-VILLEGAS,

Petitioner,

v.

**CIVIL ACTION NO.: 3:15-CV-110
(GROH)**

C. WILLIAMS, Warden,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court for consideration of a Report and Recommendation (“R&R”) issued by United States Magistrate Judge Michael J. Aloï. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Aloï for submission of an R&R. On August 15, 2016, Magistrate Judge Aloï issued his R&R, recommending this Court deny with prejudice the Petitioner’s 28 U.S.C. § 2241 petition.

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, this 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 objections are made. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file objections in a timely manner constitutes a waiver of *de novo* review and a petitioner’s right to appeal this Court’s order. 28 U.S.C. § 636(b)(1)(C); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

In this case, pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule 72(b) of the Federal Rules of Civil Procedure, objections to Magistrate Judge Aloi's R&R were due within fourteen days after being served with a copy of the same. The Petitioner was served with the R&R on August 19, 2016. To date, neither party has filed objections. Accordingly, this Court will review the R&R for clear error.

Upon review, and finding no error, the Court **ORDERS** that Magistrate Judge Aloi's Report and Recommendation [ECF No. 16] should be, and is, hereby **ADOPTED** for the reasons more fully stated therein. The Court **ORDERS** the Petitioner's 28 U.S.C. § 2241 petition [ECF No. 1] **DENIED** and **DISMISSED** with prejudice.

Because the instant petition seeks relief pursuant to § 2241, the Court makes no certificate of appealability determination in this matter.

The Court **DIRECTS** the Clerk to enter a separate judgment order in favor of the Respondent, remove this case from the Court's active docket and transmit a copy of this Order to the *pro se* Petitioner.

DATED: January 23, 2017


GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE