

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

MICHAEL C. HILL,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:16-CV-102
(GROH)**

**VAMC MARTINSBURG, TERRY STOTLER,
JIM LOCKARD, RAY MOORE, and
UNITED STATES OF AMERICA,**

Defendants.

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 Robert W. Trumble. This action was referred to Magistrate Judge Trumble for submission of an R&R. On July 7, 2016, Magistrate Judge Trumble issued his R&R, in which he recommends that this Court dismiss without prejudice the Plaintiff’s complaint [ECF No. 1] and deny as moot the Plaintiff’s application to proceed without prepayment of fees [ECF No. 2].

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 plaintiff’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 Trumble's R&R were due within fourteen days after being served with a copy of the R&R. The Plaintiff was served with the R&R on July 11, 2016. To date, no objections have been filed. Accordingly, the Court will review the R&R for clear error.

Upon careful review of the record, and finding no error, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated therein. The Court **ORDERS** that the Plaintiff's complaint [ECF No. 1] is **DISMISSED** without prejudice and the Plaintiff's application to proceed without prepayment of fees [ECF No. 2] is **DENIED** as moot.

The Clerk is **DIRECTED** to transmit a copy of this Order to the *pro se* Plaintiff by certified mail, return receipt requested.

DATED: October 18, 2016


GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE