

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

RONNIE KNIGHT, JR.,

Petitioner,

v.

**CIVIL ACTION NO.: 3:16-CV-124
(GROH)**

STEVEN KALLIS, Warden,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge Michael John Aloï. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Aloï for submission of a proposed R&R. Magistrate Judge Aloï issued his R&R [ECF No. 28] on September 14, 2017. In the R&R, he recommends that the Petitioner’s § 2241 petition [ECF No. 1] be dismissed.

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). 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 Aloï's R&R were due within fourteen plus three days of the Petitioner being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court notes that the R&R was mailed to the Petitioner and returned as undeliverable on September 27, 2017. Accordingly, no objections have been filed. However, the Court emphasizes that the Petitioner has a continuing obligation to keep the Court informed of his mailing address. Thus, 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 Aloï's Report and Recommendation [ECF No. 28] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated therein.

Accordingly, the Respondent's Motion to Dismiss [ECF No. 24] is hereby **GRANTED**, and the Petitioner's § 2241 Petition [ECF No. 1] is hereby **DISMISSED**. This matter is **ORDERED STRICKEN** from the Court's active docket. The Clerk is **DIRECTED** to transmit copies of this Order to all counsel of record and the *pro se* Petitioner.

Because the Petitioner was a federal prisoner seeking relief through a 28 U.S.C. § 2241 petition, the Court makes no certificate of appealability determination in this matter.

DATED: October 18, 2017


GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE