

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

DEXTER BERNARD LOGAN,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:17-CV-45
(GROH)**

UNITED STATES OF AMERICA,

Defendants.

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 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 R&R [ECF No. 32] on June 28, 2017. In the R&R, he recommends that the Defendant’s complaint [ECF No. 1] be dismissed without prejudice. 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 Plaintiff’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 the Plaintiff being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Service was accepted by the pro se Plaintiff on May 31, 2017. ECF No. 9. On June 19, 2017,¹ the Plaintiff filed a response to Magistrate Judge Trumble's R&R. Therein, the Plaintiff does not make any objections to the R&R, but instead, he reiterates his grievances and potential grounds for relief. Even construing the Plaintiff's response most liberally, the Court cannot find any cognizable or legally adequate objections to Magistrate Judge Trumble's R&R. Accordingly, this Court reviewed 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 Report and Recommendation [ECF No. 8] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated therein.

Accordingly, the Plaintiff's Complaint [ECF No. 1] is **DISMISSED WITH PREJUDICE**. The Plaintiff's Motion to Appoint Counsel [ECF No. 11] is **DENIED 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 Plaintiff by certified mail, return receipt requested, at his last known address as reflected on the docket sheet.

DATED: October 26, 2017


GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE

¹ Although this date is beyond the deadline, the Court finds that the Plaintiff has timely filed his response because it was placed in the mail for delivery on June 12, 2017.