

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

KENNETH MYERS,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:17-CV-122
(GROH)**

GENERAL MOTORS,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

Currently pending before the Court is a Report and Recommendation (“R&R”) issued by United States Magistrate Judge Robert W. Trumble. ECF No. 9. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Trumble for submission of an R&R. On March 7, 2018, Magistrate Judge Trumble issued his R&R, recommending that this Court dismiss the Plaintiff’s complaint without prejudice and deny as moot his application to proceed *in forma pauperis*.

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). Moreover, “[w]hen a party does

make objections, but these objections are so general or conclusory that they fail to direct the district court to any specific error by the magistrate judge, de novo review is unnecessary.” Green v. Rubenstein, 644 F. Supp. 2d 723, 730 (S.D. W. Va. 2009) (citing Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)).

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 same. The R&R was sent to the Plaintiff by certified mail, return receipt requested, on March 7, 2018. ECF No. 9. The Plaintiff accepted service on March 12, 2018. ECF No. 10. The Plaintiff filed his objections on March 23, 2018. ECF No. 11. However, the Plaintiff did not make any specific objections. Rather, he reiterated his initial complaint and requested that the Court permit him to proceed *in forma pauperis*. Accordingly, without any specific objections, *de novo* review is waived.

Upon careful review and finding no clear error, the Court **ORDERS** that Magistrate Judge Trumble’s Report and Recommendation [ECF No. 9] is **ADOPTED** for the reasons more fully stated therein. Accordingly, the Plaintiff’s Complaint [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE** and the Plaintiff’s Motion for Leave to Proceed *In Forma Pauperis* [ECF No. 5] is **DENIED AS MOOT**.

The Clerk is **DIRECTED** to strike this case from the Court’s active docket and transmit a copy of this Order to the *pro se* Plaintiff by certified mail, return receipt requested.

DATED: March 27, 2018


GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE