

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

KENITHA L. FERGUSON,

Plaintiff,

v.

CIVIL NO. 1:18-cv-00180

ALDERSON FEDERAL PRISON
CAMP, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Findings and Recommendation ("PF&R") on October 17, 2018, in which he recommended that the plaintiff's Motion to Add Statement of Facts and New Evidence and New Defendants to Case (ECF No. 21) be construed as her Response in Opposition and terminated as a pending motion, the defendant's Motion to Dismiss be granted, and the plaintiff's Motion for Default be denied.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Aboulhosn's Findings and Recommendation. The failure of any

party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to the Magistrate Judge's Findings and Recommendation within the seventeen-day period.¹ Having reviewed the Findings and Recommendation filed by Magistrate Judge Aboulhosn, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **CONSTRUES** plaintiff's Motion to Add Statements of Facts and New Evidence and New Defendants to Case (ECF No. 21) as plaintiff's response in opposition to defendants' Motion to Dismiss, **GRANTS** the defendants' Motion to Dismiss (ECF No. 17), **DENIES** plaintiff's Motion for Declaration in Support of Entry for Default (ECF No. 28), and removes this matter from the court's docket.

Furthermore, for the reasons set forth in the footnote below, the plaintiff's motion Requesting to Add New Address for Plaintiff and Time to File an Extension (ECF No. 36) is **DENIED as moot**.

¹ On the last day to file objections, 11/05/18, the plaintiff moved for the court to grant a 60-day extension of time to file objections (ECF No. 36). Although the court did not rule on the motion, the 60 days have come and gone, and the plaintiff has not filed objections. Thus, the plaintiff's motion (ECF No. 36) is **DENIED as moot**.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff pro se and counsel of record.

IT IS SO ORDERED this 21st day of March, 2019.

ENTER:



David A. Faber

Senior United States District Judge