

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

JERRY KAY LOWE, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 1:18-00947

WARDEN BARBARA RICKARD, 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 June 5, 2018, in which he recommended that the district court (1) grant plaintiff's "Motion to Dismiss Without Prejudice - Preliminary Injunction"; (2) dismiss plaintiff's complaint/motion for preliminary injunction without prejudice; and (3) remove the matter from the court's docket.


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. Having reviewed the Findings and Recommendation filed by Magistrate Judge Aboulhosn, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby (1) **GRANTS** plaintiff's "Motion to Dismiss Without Prejudice - Preliminary Injunction"; (2) **DISMISSES** plaintiff's complaint/motion for preliminary injunction without prejudice; and (3) **DIRECTS** the Clerk to remove the matter from the court's docket.*

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

IT IS SO ORDERED this 20th day of September, 2018.

ENTER:



David A. Faber
Senior United States District Judge

* Plaintiff's Motion to Dismiss, filed on September 17, 2018, (ECF No. 7), is **DENIED** as moot.