

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

TAKESTA SMITH,

Movant,

v.

CIVIL ACTION NO. 1:18-01015

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM OPINION AND ORDER**

By Standing Order, this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Eifert submitted to the court her Findings and Recommendation on August 1, 2018, in which she recommended that, pursuant to 28 U.S.C. § 1631, the court transfer to the United States District Court for the Eastern District of Tennessee movant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, ECF Nos. 1 and 2, and remove this matter from the court's docket.

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

such objections within the time allowed 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).

Objections to the Proposed Findings and Recommendation were due by August 20, 2018. Neither party filed any objections to the Magistrate Judge's Findings and Recommendation within the requisite time period.

Accordingly, the court adopts the Findings and Recommendation of Magistrate Judge Eifert as follows:

1. Movant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody is **TRANSFERRED** to the United States District Court for the Eastern District of Tennessee;
2. The case is **DISMISSED** with prejudice; and
3. The Clerk is directed to remove this case from the court's active docket.

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

**IT IS SO ORDERED** this 19th day of December, 2019.

ENTER:



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David A. Faber  
Senior United States District Judge