

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

ROBERT DICKERSON,

Petitioner,

v.

CIVIL ACTION NO. 2:07-00415

**TERESA WAID, Warden,
Huttonsville Correctional
Center,**

Respondent.

MEMORANDUM OPINION AND ORDER

By Standing Order entered August 1, 2006, and filed in this case on July 3, 2007, this matter was referred to United States Magistrate Judge Mary E. Stanley. Pursuant to 28 U.S.C. § 636(b)(1)(B), the Standing Order directs Magistrate Judge Stanley to submit proposed findings and recommendation concerning the disposition of this matter. Magistrate Judge Stanley submitted her Proposed Findings and Recommendation ("PF & R") on December 9, 2008, recommending that the court grant respondent's motion for summary judgment and dismiss this matter from the court's docket. (Doc. No. 35.)

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge Stanley's PF & R. Under § 636(b), the failure of any party to file objections within the appropriate time frame constitutes a waiver of that

party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985). Neither party has submitted objections to the PF & R, and the time period for doing so has now expired.

Having reviewed the Proposed Findings and Recommendation filed by Magistrate Judge Stanley, the court (1) **CONFIRMS** and **ACCEPTS** the factual and legal analysis set forth therein (Doc. No. 35); (2) **GRANTS** respondent's motion for summary judgment (Doc. No. 31); and (3) **DISMISSES** this action from the active docket of the court.

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

It is **SO ORDERED** this 5th day of February, 2009.

ENTER:



David A. Faber
United States District Judge