

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

ROBERT BLAKE,

Plaintiff,

v.

CIVIL ACTION NO. 2:09-1153

SGT. PRICE MAZE, et al.,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the court is plaintiff's letter-form complaint under 42 U.S.C. § 1983, which states that he wants to file a lawsuit against certain employees of the West Virginia Division of Corrections "about them [messing] with my money the way [they] are" and "about my check been cut open by CO I David Miller." (Doc. No. 1 at 1.) By Standing Order entered August 1, 2006, and filed in this case on October 21, 2009, this matter was referred to United States Magistrate Judge Mary E. Stanley. Pursuant to 28 U.S.C. § 636(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 2, 2009, recommending that this court dismiss plaintiff's complaint for failure to prosecute. (Doc. No. 4.)

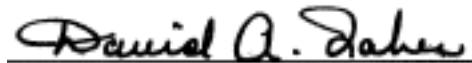
In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Stanley's PF & R. Under § 636(b), the failure of any party to file objections within the appropriate time frame constitutes a 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). No party has filed objections to the magistrate judge's report, and the time period for doing so has now elapsed.

Having reviewed the Proposed Findings and Recommendation filed by Magistrate Judge Stanley, the court (1) **ADOPTS** the findings and conclusions set forth therein; (2) **DISMISSES** plaintiff's complaint; and (3) **DIRECTS** the Clerk to remove this action from the active docket of this court.

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

It is **SO ORDERED** this 6th day of January, 2010.

ENTER:



David A. Faber

Senior United States District Judge