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

CHARLESTON DIVISION

JOHN E. KEENEY, JR.,

Petitioner,

v. CIVIL ACTION NO. 2:10-cv-00903

DAVID BALLARD,

Respondent.

MEMORANDUM OPINION AND ORDER

Petitioner John E. Keeney, Jr., *pro se,* brings this action for writ of habeas corpus pursuant to 28 U.S.C. § 2254. [Docket 2.] On July 15, 2010, this Court referred Petitioner's habeas petition to the Honorable Mary E. Stanley Magistrate Judge for proposed findings of fact and a recommendation ("PF&R"). (Docket 4.) On August 17, 2011, Magistrate Stanley submitted findings of fact and recommended that the Court deny Petitioner's petition and dismiss this action from the docket of this Court. (Docket 19.) The Court adopts Magistrate Stanley's recommendation.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn,* 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also, Snyder v. Ridenour,* 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir.1984). In addition, this Court need not conduct

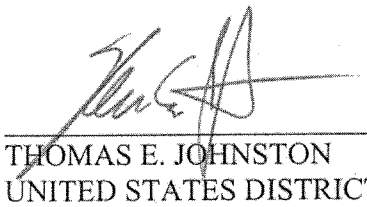
a de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson,* 687 F.2d 44, 47 (4th Cir.1982). Objections in the instant case were originally due on September 5, 2011, but for good cause shown, the Court extended the deadline to September 23, 2011. To date, no objections have been filed.

Accordingly, the Court **hereby (1) DENIES** Petitioner's application [Docket 1] with prejudice; and (2) **DIRECTS** the Clerk to remove this action from the Court's active docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 26, 2011



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE