

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

**CHARLESTON DIVISION**

JESS W. WHITE,

Plaintiff,

v.

CIVIL ACTION NO. 2:12-cv-00001

WILLIAM DUNCIL, et al.

Defendants.

**MEMORANDUM OPINION AND ORDER**

This case was opened by order of U.S. Magistrate Judge R. Clarke VanDervort on January 3, 2012, after Plaintiff made complaints concerning his conditions of confinement in a related case. (Docket 1.) By Standing Order entered September 2, 2010, and filed in this case on January 3, 2012, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of proposed findings and a recommendation (PF&R). Magistrate Judge Stanley filed her PF&R [Docket 8] on March 13, 2012, recommending that this Court dismiss this case for failure to prosecute and for failing to state a claim upon which relief may be granted. (Docket 8 at 4-6.)

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 to the PF&R in this case were due on March 30, 2012. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [Docket 8] and **DISMISSES** this case from the docket. A separate Judgment Order will enter this day implementing the rulings contained herein.

**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: April 6, 2012



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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE