

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

CHARLESTON DIVISION

RICHARD GRAVELY,

Plaintiff,

v.

CIVIL ACTION NO. 2:13-cv-04209

CITY OF CHARLESTON, et al.,

Defendants

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiff Richard Gravely's *pro se* Complaint filed under 42 U.S.C. § 1983 [ECF 2]. By Standing Order entered September 2, 2010 and filed in this case on March 6, 2013, this action was referred to former United States Magistrate Judge Mary E. Stanley for submission of proposed findings and a recommendation ("PF&R"). Referral of this action was later transferred to United States Magistrate Judge Cheryl A. Eifert. Magistrate Judge Eifert filed her PF&R [ECF 21] on October 1, 2013, recommending that this Court deny Defendants' motion for summary judgment [ECF 15] on the grounds that it is premature.

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 were due on October 18, 2013. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 21] and **DENIES** Defendants' motion for summary judgment **WITHOUT PREJUDICE** [ECF 15]. The Court **ORDERS** that this case remain referred to Magistrate Judge Eifert for the purpose of conducting all remaining proceedings in accordance with the Court's September 2, 2010 Standing Order.

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: January 23, 2014



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE