

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

**CHARLESTON DIVISION**

CORY A. SIMPSON,

Plaintiff,

v.

CIVIL ACTION NO. 2:13-cv-06334

GO-MART INC.,

Defendant.

**ORDER**

This action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and has recommended that the court **DISMISS** the plaintiff's integrated Amended Complaint [Docket 2, 4, and 9] for lack of subject matter jurisdiction and **DENY** the plaintiff's Application to Proceed without Prepayment of Fees and Costs [Docket 1]. Judge Tinsley's Proposed Findings & Recommendation ("PF&R") [Docket 13] gave the plaintiff until June 17, 2013 to file his objections. On June 6, 2013, the plaintiff sent a letter [Docket 15] to inform the court that he is now incarcerated at the South Central Regional Jail. The letter included an address to which the court should send all correspondence related to the plaintiff's civil action. The plaintiff's address at the South Central Regional Jail is now the address on the docket for the plaintiff. In cases where a party proceeds *pro se*, the court attempts to be as lenient as possible regarding filing deadlines.

However, more than a month has passed since the deadline Judge Tinsley set for the plaintiff to file his objections, and the court must conclude at this point that no objections to the PF&R have been filed.

I. *Analysis*

A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, 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). As the parties have not filed objections in this case, the court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and orders judgment consistent with the findings and recommendations.

Accordingly, the court **DISMISSES** the plaintiff’s integrated Amended Complaint [Dockets 2, 4, and 9] without prejudice, and **DENIES** the plaintiff’s Application to Proceed without Prepayment of Fees and Costs [Docket 1]. The court **DIRECTS** this action to be removed from the active docket. The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 18, 2013

  
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JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE