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

CHARLESTON DIVISION

L. RUTHER,

Plaintiff,

v. CIVIL ACTION NO. 2:13-cv-32919

RANDALL ANDERSON, et al.,

Defendants.

MEMORANDUM OPINIONAND ORDER

Before the Court is Plaintiff's *pro se* Complaint [ECF 1]. By Standing Order entered April 8, 2013, and filed in this case on January 13, 2014, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Tinsley filed his PF&R [ECF 8] on April 29, 2014, recommending that this Court find that pursuant to 28 U.S.C. § 1406(a) the interests of justice weigh in favor transferring this case to the United States District Court for the Northern District of West Virginia.

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 May 16, 2014. To date, no objections have been filed; however, the PF&R states that Plaintiff has previously communicated to Magistrate Judge Tinsley that he wants this case be transferred to the Northern District of West Virginia.

Accordingly, the Court **ADOPTS** the PF&R [ECF 8], **ORDERS** that this case be **TRANSFERRED** pursuant to 28 U.S.C. § 1406(a) to the United States District Court for the Northern District of West Virginia for further proceedings, and **DIRECTS** the Clerk to remove this case from the Court's 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: May 28, 2014

THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE