

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

CHARLESTON DIVISION

ERIC FLORES,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-cv-03647

UNITED STATES ATTORNEY GENERAL, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiff's *pro se* application to proceed without prepayment of fees and costs [ECF 1] and Complaint [ECF 2]. By Standing Order entered April 8, 2013, and filed in this case on January 27, 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 6] on April 23, 2014, recommending that this Court dismiss Plaintiff's Complaint on the grounds that it is frivolous and barred by the doctrine of *res judicata*. The magistrate judge further recommended that the Court deny Plaintiff's motion to proceed without prepayment of fees and costs and warn Plaintiff that future filing of frivolous and abusive actions in this Court may result in the imposition of monetary sanctions and filing restrictions.

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 12, 2014. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 6], **DISMISSES** Plaintiff's Complaint [ECF 2], **DENIES** Plaintiff's motion to proceed without prepayment of fees and costs [ECF 1], **ADVISES** Plaintiff that future filing of frivolous and abusive actions in this Court may result in the imposition of monetary sanctions and filing restrictions, 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: June 3, 2014



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE