

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

CHARLESTON DIVISION

CEDEAL HARPER,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-cv-07529

C.O. JOSEPH BARBAGALLO, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the Court are Defendant Ramsey's Motion to Allow Late Filing of Answer, (ECF No. 19), Plaintiff's Motion for Default Judgment, (ECF No. 16), and Plaintiff's Motion to Compel Service of Answer/Motion for Default Judgment (the "Motion to Compel"),¹ (ECF No. 24). By Standing Order entered on April 8, 2013, and filed in this case on February 7, 2014, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and recommendations for disposition ("PF&R"). (ECF No. 5.) Magistrate Judge Tinsley filed a PF&R on July 17, 2015, recommending that this Court grant Defendant Ramsey's Motion to Allow Late Filing of Answer, deny Plaintiff's Motion for Default Judgment, and deny as moot the Motion to Compel. (ECF No. 34.)

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

¹ Plaintiff styled the Motion to Compel as a "Motion to Compell [sic] Service of Answer/Motion for Default Judgment." (ECF No. 24.)

objections constitutes a waiver of de novo review and the Plaintiff'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 July 17, 2015 PF&R were due by August 3, 2015. To date, no objections have been filed.

Accordingly the Court **ADOPTS** the PF&R, (ECF No. 34), **GRANTS** Defendant Ramsey's Motion to Allow Law Filing of Answer, (ECF No. 19), **DENIES** Plaintiff's Motion for Default Judgment, (ECF No. 16), and **DENIES AS MOOT** the Motion to Compel, (ECF No. 24).

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: August 17, 2015



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE