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

CHARLESTON DIVISION

KEITH MARTIN MOLINEAUX, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-cv-12270

JUDGE CHARLES M. VICKERS, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiff Keith Martin Molineaux, Jr.'s Application to Proceed Without Prepayment of Fees (ECF No. 1) and Complaint (ECF No. 2). By Standing Order entered February 7, 2014, and filed in this case on March 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 No. 4) on December 22, 2016, recommending that this Court **DENY** Plaintiff's Application to Proceed Without Prepayment of Fees and **DISMISS** Plaintiff's Complaint.

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 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 PF&R in this case were

due on January 9, 2017. To date, no objections have been filed.

Accordingly, the Court ADOPTS the PF&R (ECF No. 4), DENIES the Application to

Proceed Without Prepayment of Fees (ECF No. 1), **DISMISSES** the Complaint (ECF No. 2), and

directs the Clerk's Office to remove this case from the docket. A separate Judgment Order will

enter this day implementing the rulings contained herein.

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 18, 2017

ΓΗΌΜΑS E. JOHNSTON

UNITED STATES DISTRICT JUDGE

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