

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

CHARLESTON DIVISION

MARKUS LEVAR DAVIS,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-cv-20467

OFFICER J.M. THOMPSON, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Before the Court is a motion to dismiss filed by the identified Defendants in this matter [ECF 15]. On July 7, 2014, this action was referred to United States Magistrate Dwane L. Tinsley for submission of proposed findings and a recommendation (“PF&R”). On July 16, 2015, Magistrate Judge Tinsley filed a PF&R [ECF 17] recommending that this Court deny without prejudice the identified Defendants’ motion to dismiss and quash the service of the summonses which were improperly served on the identified Defendants.

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 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 were due on August 3, 2015. To date, no objections have been filed.¹

Accordingly, the Court **ADOPTS** the PF&R [ECF 17], **DENIES WITHOUT PREJUDICE** the identified Defendants' motion to dismiss [ECF 15], and **QUASHES** the service of the summonses which were improperly served on the identified Defendants.

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 14, 2015



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE

¹ A copy of the PF&R which was mailed to Plaintiff's address at the South Central Regional Jail was returned as undeliverable on July 22, 2015, having been stamped "RETURN TO SENDER, SOUTH CENTRAL REGIONAL JAIL" and "Inmate not in SCRJ Custody." (ECF 18.) Plaintiff has an obligation to keep the Court informed about his current address. See L. R. Civ. P. 83.5 ("A pro se party must advise the clerk promptly of any changes in name, address, and telephone number."). The docket reflects that a copy of the PF&R was resent to Plaintiff's address in Manchester, Kentucky on July 27, 2015.